



Counsellors & Psychotherapists in Primary Care

Member Organisation of the Psychotherapeutic Counselling Section of UKCP

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COUNSELLORS & PSYCHOTHERAPISTS IN PRIMARY CARE COMPLAINTS AND DISCIPLINARY PROCEDURE

1. Introduction

- 1.1 The purpose of this procedure is to examine a formal complaint against a CPC member, to determine if a breach of the CPC Code of Ethical Principles has taken place, and to recommend further action in the light of the complaint. Such action may involve a review of CPC procedures, or may include sanctions against the CPC member. The aim of the procedure is to ensure that the CPC member and the complainant are treated fairly, consistently and in a systematic manner.
- 1.2 A complaint can be brought:
 - 1.2.1 by a named employer of the CPC member, e.g. GP, Practice Manager, Line Manager
 - 1.2.2 by a client of the CPC member,
 - 1.2.3 by a close relative of a client, or an adult on behalf of a minor, who is or was in a counselling contract with the CPC member;
 - 1.2.4 by a colleague with the support of two others.
- 1.3 Complaints brought by anyone other than the above will not be accepted, except at the discretion of the CPC Board. All complaints must be received within a three-year period of the said offence taking place.
- 1.4 The administration of the CPC complaints procedure follows specific protocols as laid down, and must be adhered to under all circumstances. If the CPC Board are notified of any irregularities of the procedure, immediate action must be taken to revert to the prescribed procedure.
- 1.5 Before any process gets under way there must be the confirmation of the following:
 - 1.5.1 That the complainant meets the criteria in section 1.2,
 - 1.5.2 That the CPC member was in membership at the time of the complaint,
 - 1.5.3 That the alleged breach took place after 12th February 2000.
- 1.6 CPC will not be held responsible for any costs, eg legal representation, incurred by either the complainant or the CPC member in pursuance of a complaints procedure. Costs borne by CPC may be sequestered in the case of malicious complaints.
- 1.7 Confidentiality of the complaints procedure will be maintained at all times by all parties involved until the findings have been notified to the respective parties.

2. Intermediary Stage

- 2.1 The purpose of this intermediary stage is to start the process on behalf of the complainant and to enter into a mediation process.
- 2.2 Before entering into a formal situation, a complaint received at CPC should be mediated by two representatives of the CPC Board, appointed by the Board, normally those living in the closest locality to the complainant, providing that the complainant or CPC member does not know these representatives, or have any professional or other boundary issues in relation to them.
- 2.3 The appointed representatives will be informed of all resolution attempts that have already been made. They will fully explore the issue presented with the complainant to determine whether the issue can be resolved without entering a formal complaints procedure.
- 2.4 The Board representatives will informally interview the CPC member in a confidential manner to discuss the complaint and to examine statements or other evidence presented by the CPC member.

- 2.5 If the Board representatives feel the complaint will need to follow a formal complaints procedure, and that all attempts at mediation have failed, the representatives will inform the CPC member, and suggest that the member nominates a mentor to support him or her through the complaints procedure. The representatives will then verbally report the outcome to the CPC Board. These will be recorded in the minutes of the next Board meeting.
- 2.6 If the Board representative feels that the complaint is unjustified, the representative will inform the CPC member promptly and notify the complainant in writing of the decision, giving specific reasons for that decision. The complainant may appeal against this decision directly to the CPC Board within 21 days, giving clear reasons why, and ask for a formal complaints procedure to be undertaken. Under these circumstances, the complainant will be responsible for any costs incurred during the formal procedure.
- 2.7 If the Board representatives disagree on their recommendations, the procedure as in 2.5 will be followed.

3. Complaints Procedure

- 3.1 The purpose of an investigative committee is to collect written submissions from the complainant and the response from the CPC member complained against. Further information or clarification of evidence may be called for. They will then make a recommendation to the CPC Board as to whether the complaint should go to the adjudication stage.
- 3.2 The complaints procedure can occur only under the following circumstances:
 - 3.2.1 When the CPC Board has received a written and signed complaint.
 - 3.2.2 That the criteria in 1.5 have been met.
 - 3.2.3 That no longer than 3 years has expired between the breach taking place, the allegation being made to CPC, and the Board representative recommending it as a formal complaints procedure.
 - 3.2.4 That the intermediary stage in section 2 has been undertaken.
- 3.3 If the conditions in section 3.2 have been met, the complaint together with accompanying evidence should be forwarded to the Chair, or Vice-Chair, of CPC. If the member about whom the complaint has been made chooses to resign from CPC membership prior to the investigation, the investigation will still proceed.
- 3.4 The CPC Board will formally hear the complaint and the recommendations of the complaints committee within 90 days of the submission of the Complaints Committee. The CPC Board has the power to immediately suspend the CPC member from membership if the allegation concerns:
 - 3.4.1 physical or emotional abuse
 - 3.4.2 sexual misconduct
 - 3.4.3 bringing CPC into disrepute
- 3.5 The Chair, or Vice-Chair, of CPC will convene a Complaints Committee consisting of three CPC members to investigate the complaint. The complainant or the CPC member complained against should not personally know any of these committee members, or have any professional or other boundary issues in relation to them. If in the course of an investigation it is discovered that one of the Complaints Committee knows the complainant or the CPC member, that person should step down from the committee and a new member should be appointed.
- 3.6 The appointed chair of the Complaints Committee will notify the CPC member in writing of the complaint and that formal proceedings have been instigated. The CPC member should receive a copy of the complaint and supporting material, which should be sent by recorded delivery.
- 3.7 The CPC member must write a response to answer the complaint within 3 calendar months of receipt of the documentation by recorded delivery. Failure to do so without good cause may be deemed as an admission of the complaint.
- 3.8 The Complaints Committee will meet to discuss submissions from both the complainant and the CPC member complained against. They may call for further written evidence, psychiatric assessments of either party, or may wish to meet with the complainant and /or the CPC member for further clarification. All new evidence or submissions will be copied to both the complainant and the CPC member. It is the responsibility of the complainant or the CPC member to ensure that further evidence or information is with the committee within 28 working days.

3.9 The Complaints Committee will decide whether, in their view, there has been a breach of the CPC Code of Ethical Principles, and will take the following action:

- 3.9.1 If the committee find that the complaint is unfounded, the procedure is terminated and both parties are notified in writing.
- 3.9.2 If the committee find that there are sufficient grounds for complaint, the committee will notify the CPC Board of their decision and the reasons for it in time for the next following Board meeting.
- 3.9.3 If there are several complaints against the same CPC member, the committee will consider all of the complaints before submitting its finding to the CPC Board.

4. Adjudication preparations

- 4.1 The purpose of the Enquiry Panel is to represent the CPC Board to determine whether a breach has occurred in the Code of Ethical Principles.
- 4.2 It will be for the Board of CPC to accept the recommendations of its Enquiry Panel on breaches of The Code of Ethical Principles and to determine if sanctions are appropriate.
- 4.3 A complainant can withdraw his or her complaint at any time, but a withdrawn complaint cannot later be resubmitted.
- 4.4 The CPC Board will convene an Enquiry Panel to hear the verbal submissions of the complainant, the CPC member, and/or their representatives and witnesses. The Enquiry Panel must consist of at least three members, two of whom are members of CPC.
- 4.5 A date of the enquiry needs to be agreed whenever possible by all parties, but in the event of disagreement must be held within the 90 days requirement, within which the formal enquiry must take place.
- 4.6 The Chair of the Enquiry Panel will determine the procedural events of the enquiry, using the protocols as outlined in section 4.7, ensuring that both the complainant and the CPC member and/or their representatives have equal allocation of submission time.

4.7 Protocols of the Enquiry Panel

- 4.7.1 All written evidence for submission to the Enquiry Panel must be received at least 21 days prior to the enquiry, and must be copied to both participants and to all the Enquiry Panel members.
- 4.7.2 The panel must meet to hold its enquiry within 90 days of receiving the submissions.
- 4.7.3 The Panel of Enquiry may invite independent witnesses to attend the enquiry at their own discretion.
- 4.7.4 The complainant or his/her representative puts a summary of the complaint. If the complainant fails to attend the enquiry without good cause, the complaint will be considered to have been withdrawn. The complainant must attend in person; legal representatives or powers of attorney of the complainant will not be accepted.
- 4.7.5 Questions may be asked of the CPC member via the Chair by the complainant. The Panel may ask questions of the complainant for further clarification.
- 4.7.6 The CPC member or his/her representative puts a summary of the member's case. If the CPC member fails to attend the enquiry without good cause, the Panel may find in favour of the complainant. The CPC member must attend in person; legal representatives or powers of attorney will not be accepted. If the CPC member resigns before the enquiry, the Panel may find in favour of the complainant.
- 4.7.7 The CPC member may ask questions of the complainant via the Chair.
- 4.7.8 The Panel may ask questions of the CPC member for further clarification.
- 4.7.9 Independent witnesses who may elaborate on further evidence may be called at the discretion of the Chair, and may indicate a need for a postponement of the enquiry.
- 4.7.10 New evidence on the day of enquiry will only be accepted at the discretion of the Chair.
- 4.7.11 When the Chair is satisfied that clarification required is obtained, the Panel will retire to make its decision.
- 4.7.12 The Panel will decide whether a breach of the Code of Ethical Principles has occurred on a majority decision, the Chair having the casting decision.
- 4.7.13 All proceedings will be tape-recorded and the tape archived for three years from the date of the enquiry in case of appeal.

5.0 Decision of the Panel of Enquiry

- 5.1 The decision of the Enquiry Panel will be notified to the CPC Board with any recommendations for sanctions. At the same time the decision will be written to the representative parties of the finding of the Panel, noting that the final decision for sanctions will be made by the CPC Board.
- 5.2 The following sanctions may be applied:
 - 5.2.1 A warning to improve in a specific way, e.g. extra training, with a specific date.
 - 5.2.2 Extra monitoring by a supervisor for a specific period of time, followed by a supervisor's report to the CPC Board.
 - 5.2.3 Suspension of membership status for a specific period, or until certain criteria have been met.
 - 5.2.4 Termination of registered status and membership for a period to be determined by the Board
- 5.3 On receiving the recommendation from the Enquiry Panel, the CPC Board will discuss the findings at the next Board Meeting, and a final decision on sanctions will be made by a majority decision of the Board.
- 5.4 The complainant and the CPC member will be notified of the final decision in writing by recorded delivery within 21 days of the Board meeting.
- 5.5 Any sanctions invoked from the complaints procedure will be notified to other members of CPC by publication in the newsletter and in other counselling journals, and the information will be made available to any enquirers. Notification will be made to the CPC member's employer and any other relevant member organisation e.g. BAC/UKCP.

6.0 Appeals Procedure

- 6.1 The complainant and CPC member have 10 working days of receiving notice of the finding of the CPC Board to appeal in writing to the CPC Board.
- 6.2 The appeals procedure will only be instigated in the following circumstances:
 - 6.2.1 An objection on the grounds of improper procedure.
 - 6.2.2 New evidence that was not available to the Panel of Enquiry.
- 6.3 It will not be considered acceptable to hear an appeal on the grounds of the absence of a CPC member or a complainant from the enquiry, unless that person satisfies the CPC Board that they can show good cause for that absence.
- 6.4 If the criteria in 6.2 are met, the Chair of CPC will appoint an Appeals Committee to review the case. The Chair of the Appeal Committee, who will be nominated by the CPC Board, should be independent of CPC. The other members must not have been involved in the previous adjudication.
- 6.5 The tape recording of the enquiry will be transcribed and sent to the Appeals Committee, the complainant and the CPC member. The cost of this will be borne by the individual making the appeal.
- 6.6 The Chair of the Appeals Committee will convene a new hearing and hear new submissions following the protocols in section 4.7.
- 6.7 The CPC Board, complainant and CPC member will be notified in writing of the decision of the appeal within 21 days.
- 6.8 The decision of the Appeals Committee is final.