



Counsellors & Psychotherapists in Primary Care

Member Organisation of the Psychotherapeutic Counselling Section of UKCP

Queensway House, The Queensway, Bognor Regis, West Sussex, PO21 1QT

Tel: 01243 870701 Fax : 01243 870702

Email: cpc@cpc-online.co.uk Website: www.cpc-online.co.uk

ADDENDUM TO COUNSELLORS & PSYCHOTHERAPISTS IN PRIMARY CARE COMPLAINTS & DISCIPLINARY PROCEDURES MEDIATION

Introduction: CPC may at any time receive a complaint from anyone regarding the conduct of a CPC member. Rather than embarking immediately on a formal complaints and disciplinary procedure, it is envisaged that if possible an attempt should be made to resolve the matter at an early stage by way of mediation.

It should be acknowledged that when a client, or a client's representative, makes a complaint about a CPC member, a lot of hurt may arise for both parties. Many complainants do not wish to follow a formal complaints procedure, or they do not meet the full criteria of eligibility set out in the CPC Complaints & Disciplinary Procedures but they may nonetheless, for example, have unhappiness with their therapy that they wish to be validated.

In a similar way, the majority of CPC members would not knowingly and intentionally breach the CPC code of ethical procedures. However, therapists are human, they are not perfect and they make mistakes.

A client, or a client's representative (with the full knowledge and permission of the client) who makes a complaint regarding a CPC member, is very often looking for one or all of the following:

- (i) acknowledgement on the part of the CPC member that he/she has made a mistake or an error of judgement;
- (ii) an apology from the CPC member; or
- (iii) financial redress from the CPC member in the return of fees paid.

This Addendum therefore outlines the mediation process that should always be undertaken, if possible and appropriate, upon receipt of any complaint regarding a CPC member. If this stage is handled promptly, supportively and fairly, it is hoped that the rest of the formal complaints and disciplinary procedure will in most cases, be rendered unnecessary.

There may be some circumstances where mediation is inappropriate, for example, where a complaint is made by another member of CPC (with the support of two further members), or where the matter is so serious that even if it could be resolved to the satisfaction of the complainant, the CPC still feels that the case against the member ought to be examined more fully under the formal procedures.

Procedure

1. Upon receipt of a complaint, the Board of CPC will appoint, if appropriate, a mediator ("the first mediator") who will be a member of CPC who is willing to act (and will normally live in close locality to the complainant), provided that he/she does not personally have an interest in the matter and has no professional or other boundary issues in relation to either the complainant or the CPC member against whom the complaint is being made.

It is important that the first mediator should be a CPC member, as theoretical or practical knowledge is likely to be important at this stage. For example, if the complaint is about a paradoxical intervention or a transference or counter-transference issue, then the CPC member is likely to be in a position to understand and discuss the issues appropriately.

2. The CPC Board shall inform the first mediator of the nature and detail of the complaint, of the parties involved and of any previous attempts to resolve the matter and any other relevant information.
3. The first mediator shall contact the complainant and shall attempt to explore the issue with him/her. If possible this contact should take place as soon as possible and preferably within 2 weeks of the complaint having first been made.

4. If the complainant wishes to pursue the complaint, the first mediator shall explain to him/her the process of mediation and shall make it clear to the complainant that he/she may be required to meet half of the costs of the mediation if it proceeds, giving him/her an estimate of the maximum amount payable by him/her. The Complainant shall also be provided with details of *POPAN (Prevention of Professional Abuse Network) as a form of potential external support.
5. If the complainant wishes to proceed with a mediation, the first mediator will then (within a week if possible) contact the CPC member in respect of whom the complaint has been made and shall inform him/her of:
 - (i) the nature and details of the complaint;
 - (ii) a summary of the discussions he/she has already held with the complainant;
 - (iii) that the complainant wishes to attempt to resolve the matter by way of mediation;
 - (iv) the details of the mediation process.
 - (v) that he/she may be required to meet half of the costs of the mediation if it proceeds, with an estimate of the maximum amount payable by him/her.

The CPC member may choose at this stage to appoint a mentor to advise and assist him through the mediation process.

6. Mediation can only proceed if both parties are willing to participate
7. If one party does not wish to participate in a mediation, the complainant shall be informed that if he/she wishes to pursue his/her complaint formally, he/she must within 14 days notify the administrator of CPC in writing. The complainant should normally be provided with a copy of the Complaints and Disciplinary Procedure.
8. If both parties agree to participate in a mediation, the Board shall then as soon as possible appoint a second mediator, who will not be a member of CPC but who will preferably be someone trained in mediation or couple counselling skills, who it is hoped will be able to facilitate the mediation process.
9. A meeting shall then take place between the complainant and the CPC member, their respective mentors if appropriate and the first and second mediators. The meeting should take place as soon as possible, ideally within 2 weeks after the appointment of the second mediator. The meeting should be informal but the second mediator will need to ensure that all relevant views are heard and that both the complainant and the CPC member are given equal time, if they wish.
10. If the matter cannot be resolved to the satisfaction of both parties at the initial meeting, a second meeting may, at the discretion of the mediators, be called.
11. Mediation meetings are confidential to the parties in attendance and all discussions are without prejudice to any further complaints or litigation proceedings. The discussions that take place are not to be taken to other agendas.
12. If, after the conclusion of the second meeting, or if for any other reason the matter cannot be resolved at any stage to the satisfaction of both parties, the complainant shall be informed that if he wishes to pursue his complaint formally he must, within 14 days, notify the administrator of CPC in writing. The complainant should normally be given a copy of the Complaints and Disciplinary Procedure.
13. There may be a situation where the complainant feels satisfied at the conclusion of the mediation procedure, or even if he is not satisfied, he/she does not wish for whatever reason to pursue the matter by means of a formal complaint. If despite this, either or both of the mediators consider that the matter warrants further inquiry, they shall, in their report to the CPC Board, recommend that a formal complaint be pursued.
14. At whatever stage, and in whatever manner, the matter concludes, the mediators shall report the outcome to the Board of CPC as soon as possible thereafter.

* POPAN, 1 Wyvil Court, Wyvil Road, London SW8 2TG (Tel: 020 7622 6334)