

NORTH WEST INSTITUTE OF DYNAMIC PSYCHOTHERAPY

Complaints Procedure

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1. INTRODUCTION

1.1 All members of the NWIDP are expected to approach their work with the aim of alleviating suffering and promoting the well-being of their clients. They should endeavour to use their abilities and skills to their client's best advantage without prejudice and with due recognition of the value and dignity of every human being.

1.2 Complaints against members of the NWIDP must be in the context of the Code of Ethics and Conduct, or some other Code, of the NWIDP.

2. THE COMPLAINTS PROCESS

2.1 The complaint must satisfy the following conditions:

- a. the allegation must be about breach of a specific clause or clauses of the Code of Ethics and Conduct, or some other Code of Practice of NWIDP
- b. the allegation is made within three years of the incident to which it refers or two years after the ending of therapy, whichever is the longer
- c. the individual being complained against must be a current member of the NWIDP and/or was so at the time of the alleged incident; where an individual is a member of more than one UKCP organisation, the complaint will be handled by the registering organisation
- d. the resignation of a member shall not be allowed to impede the complaints process as long as the alleged offence took place during that person's membership
- e. complaints will normally only be considered from a member of the public using the service (or by a parent or guardian if the client is a minor) or by a member or members of the NWIDP concerned that a fellow member is in breach of the Codes of Practice of NWIDP.
- f. legal proceedings have not been issued nor contemplated regarding the substance of the complaint.

Members of the NWIPD are bound by the code of Ethics and Conduct; if the complaint is made despite practice within this Code, it is against the organisation.

If a complaint is against the NWIDP, it should be pursued through UKCP.

2.2 Processing Complaints

- a. It is anticipated that, where appropriate, the complainant will attempt to resolve the issues directly with the subject of the complaint
- b. Complaints will be administered through the Professional Committee and should be lodged with the Chair of that Committee (or the Chair of NWIDP if the Chair of the Professional Committee is implicated in the complaint)
- c. The normal process will be:
 - Informal resolution or conciliation
 - Formal procedure
 - Appeal through NWIDP
 - Final appeal through UKCP.

2.3 The Professional Committee will:

- Administer the Complaints Procedure
- Define protocols
- Seek expert advice as necessary at the expense of NWIDP
- Normally co-opt as members of formal disciplinary procedures, the relevant lay or professional people who are not members of NWIDP,

paying particular attention to:

- Support of both parties to the complaint
- Potential conflicts of interest

2.4 All parties will pay particular attention to the importance of confidentiality:

- It is to be noted that a complaint (or a response) is potentially libellous
- Inappropriate disclosure, particularly to the press, may prejudice or even invalidate the complaints procedure
- All documents will be kept securely for two years after the finalisation of the complaints procedure and thereafter details of the formal complaint, investigation, adjudication and appeals will be kept for a further five years.

2.5 Within four weeks of receiving notice of an intention to complain, the Chair of the Professional Committee or an appointee will contact the complainant to

- Discuss the nature of the complaint
- Advise the complainant of the Complaints Procedure

- Offer assistance from a Full member of NWIDP in following through the procedures.

2.6 If the complainant indicates that she/he wishes to proceed with the matter, the complaint must be put in writing and sent to the Chair, together with written permission to forward a copy to the subject of the complaint.

2.7 On receiving a complaint and permission the Chair will, within two weeks:

- Consider whether the complaint satisfies the conditions in 2.1, and whether formal or informal procedures are more appropriate, and discuss this with the complainant
- If there is a *prima facie* case to answer, inform the subject of the nature of the complaint and the action proposed
- Forward to the subject a copy of the complaint and of the Complaints Procedure
- Invite the subject to nominate a Full member of the NWIDP as her/his adviser in the context of the complaint

3. INFORMAL PROCESSES

3.1 Informal processes should be used when:

- The complaint is a matter of difference of opinion about practice or
- the complaint can be resolved amicably and
- is of insufficient severity to merit a more structured response.

3.2 If the Chair and the complainant are in agreement that an informal resolution may be possible, the Chair will, within four weeks:

- Appoint two or more members of the Professional Committee to assist him/her (the Investigating Panel) to seek informal resolution of the complaint.

3.3 Within four weeks, the Investigating Panel will:

- Meet with the complainant (who may be accompanied at this meeting) to clarify and investigate the complaint
- Inform the subject of the complaint of any new relevant information and meet with him/her to provide an opportunity to answer the complaint
- Decide whether to
- Dismiss the case:
- Attempt to broker an informal resolution

- Recommend the instigation of formal procedures.

3.4 An informal resolution may include:

- A face to face meeting
- Arbitration
- A member's agreement that mistakes were made, together with a formal apology to the complainant (which, if accepted by the complainant, will be recorded by the Chair but will complete the Complaints Procedure).
- A recommendation for further training mentoring, supervision or a medical or mental health assessment on behalf of the subject.

3.5 The Investigating Panel will inform the Professional Committee of the outcome of the process for ratification.

4. FORMAL PROCEDURE

4.1 Formal Procedures should be used when there is a *prima facie* evidence of:

- A major breach of the Code of Ethics and Conduct (or some other code) of NWIDP
- A matter of serious professional misconduct
- An alleged breach of criminal law
- A matter which may bring into disrepute the NWIDP, the UKCP or the profession.

4.2 If the Chair or the complainant requires a formal response to a complaint, the Chair will, within four weeks:

- Arrange a meeting of the Professional Committee to determine whether it is appropriate to invoke formal procedures
- Inform both parties of the decision

4.3 The Executive Committee will establish a Disciplinary Sub-Committee within six weeks. The DSC will normally:

- Consist of three Full members of NWIDP, one psychotherapist registered with the Psychoanalytic and Psychodynamic Psychotherapy Section of UKCP., and one lay person
- Exclude any psychotherapist previously involved in the Informal Procedures or any matter relating to the complaint.

4.4 The Disciplinary Sub-Committee (DSC) will confer within one month to:

- Elect one of their number as *primus inter pares*,
- Set out protocols for collecting evidence, hearing the complain, adjudicating, communicating outcomes or decisions, recording the process and reimbursing reasonable expenses
- Seek expert advice as necessary
- Outline a provisional timetable

and will communicate the above to both parties within two weeks.

4.5 The formal hearing will be in private except that both parties may:

- Have their case presented on their behalf (and at their own expense)
- Be accompanied by another person and by any NWIDP advisor.

4.6 The DSC will, within one week, report the outcome and recommendations to the Chairs of the Professional Committee and of NWIDP. The Chairs will confer and report the outcome to both parties within one week.

The DSC will prepare both parties and a written report on the proceedings (or separate reports, should there be reasons of confidentiality).

5. ADJUDICATIONS

5.1 Recommendations of the DSC may include:

- That the complaint be rejected
- That the complaint is justified and that the member be reprimanded
- That the complaint is upheld and the subject be required to receive further training, supervision or mentoring, or be subject to limitations to practice
- That the complaint is upheld and the member be removed from any office or committee of NWIDP, suspended or expelled from NWIDP, and removed from the UKCP register.

5.2 If a member is reprimanded and sanctions imposed, the conditions, requirements and length of time will be stated clearly.

5.3 If a Registered member is to be suspended or expelled from NWIDP and removed from the UKCP Register, the Chair of NWIDP will inform the Registrar of UKCP within 28 days of the decision.

The Chair of NWIDP will report annually to the PPP Section of the UKCP concerning the number of complaints received, their nature and disposition.

6. APPEALS

6.1 Either party may appeal through the Chair within four weeks of receiving the final report, on the following grounds:

- Where relevant new information has come to the attention of any party and could not have been presented previously
- Where the Complaints Procedure was not followed or was followed incorrectly
- Where a decision is considered to be unreasonable/unjust
- Where a sanction is considered to be unreasonable/unjust

6.2 If the Professional Committee is satisfied that grounds exist for an appeal, it will appoint an Appeals Panel consisting of two senior members of NWIDP, a senior psychotherapist registered with the Psychoanalytic and Psychodynamic Psychotherapy Section of UKCP and one lay person. The members of the Appeals Panel will have no previous involvement in the complaint.

6.3 The Appeals Panel will review the procedure and determine the outcome and, within one month, report to the Chairs of NWIDP and the Professional Committee, and to both parties. The decision of the Appeals Panel will be binding and will exhaust the NWIDP Complaints Procedure.

6.4 Appeals to the Governing Board of UKCP may be made once the complaints and appeals procedures of NWIDP have been exhausted. Either party or parties to those proceedings may appeal against a decision of a prior formal hearing within 28 days of the decision.

A member suspended or removed from the UKCP Register will have the right to appeal through UKCP procedures.