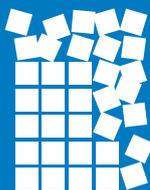
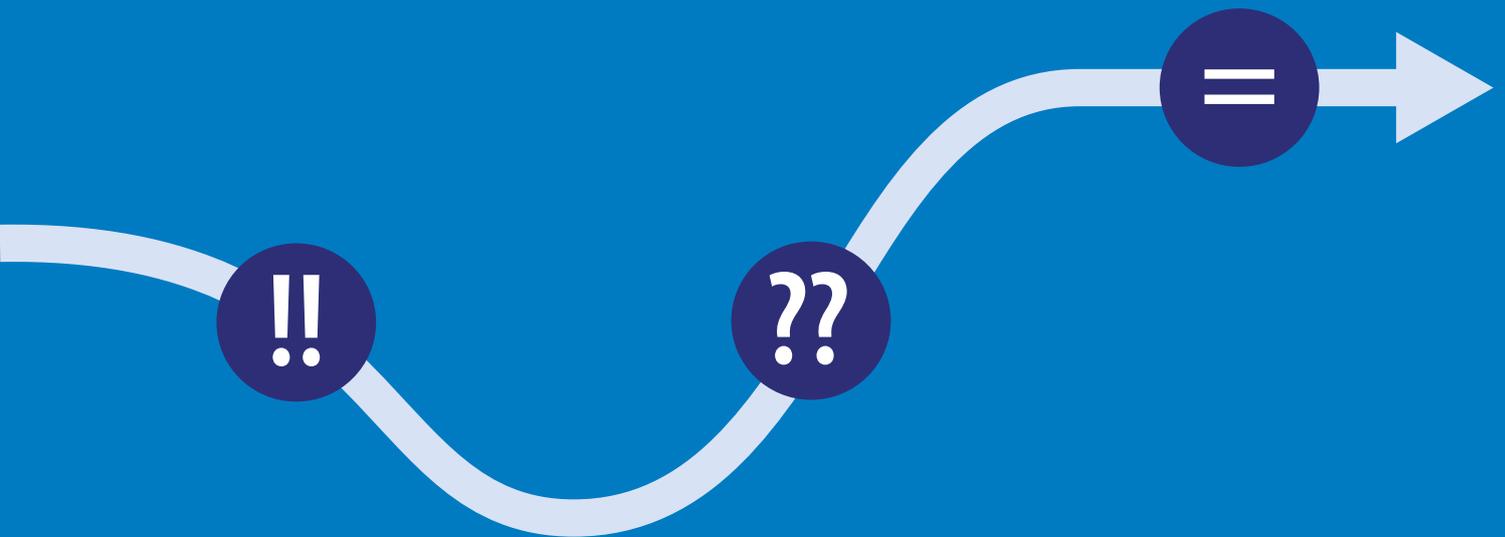


UK Council for Psychotherapy

Complaints and Conduct Process



UKCP[®]

UK COUNCIL FOR PSYCHOTHERAPY

*...putting the pieces together
with knowledge, compassion and understanding*



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For information on how to complain
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For information about the complaints and conduct process project
www.ukcp.org.uk/ccp

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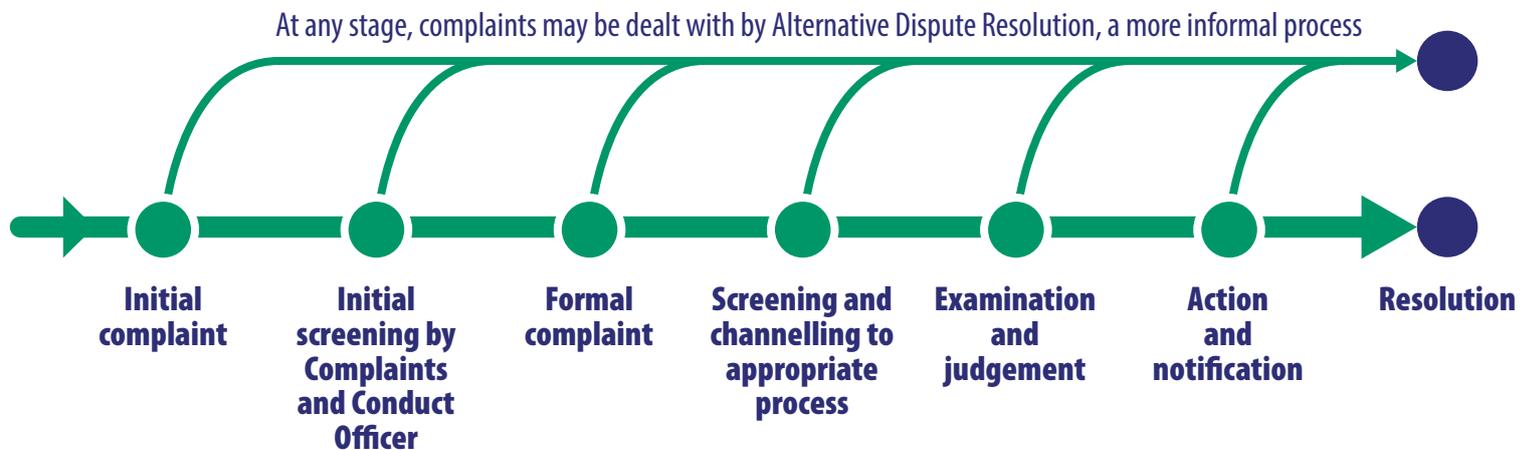
UK Council for Psychotherapy

Complaints and Conduct Process

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Complaints process simplified



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Introduction

The complaints and conduct process sets out UKCP's procedure for dealing with complaints about therapists (psychotherapists and psychotherapeutic counsellors). The process is designed to handle complaints relating to therapists' fitness to practise or their conduct.

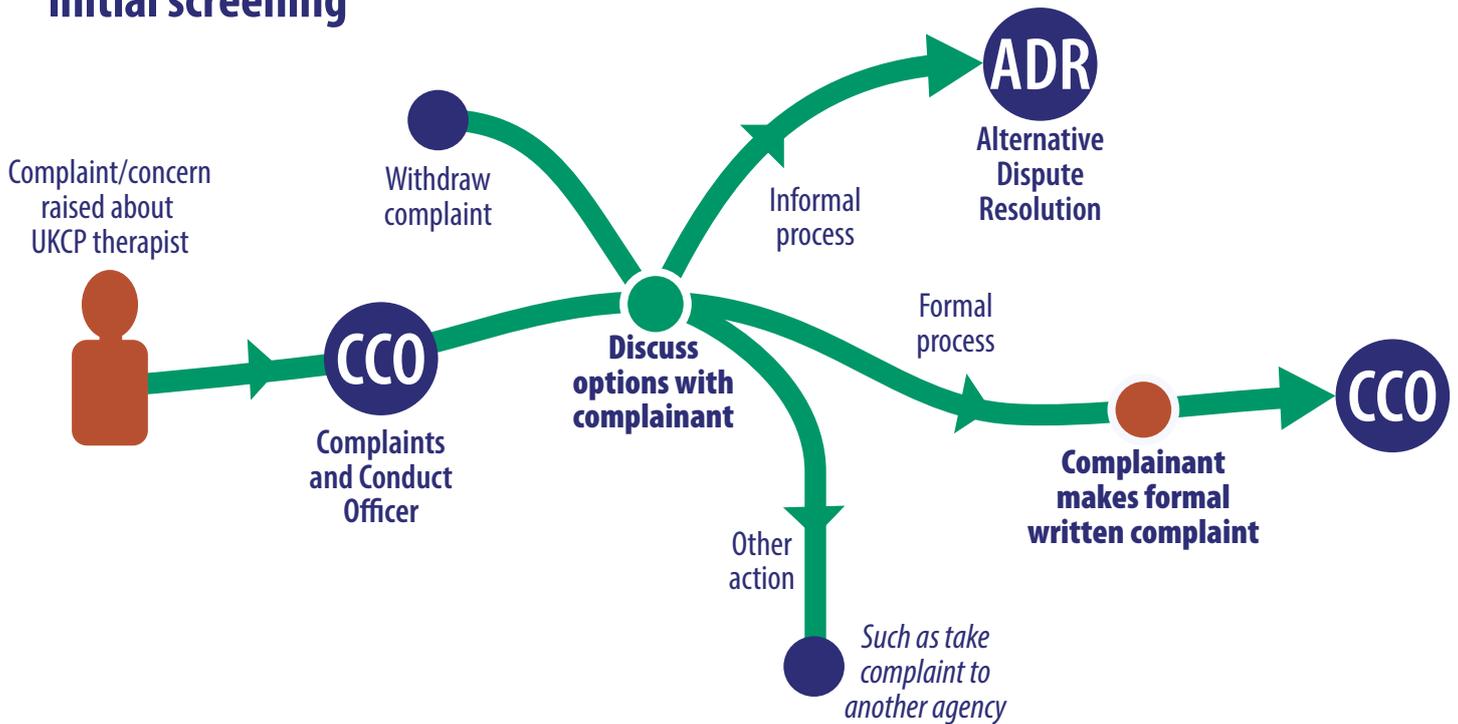
As well as providing clients with a way of making a complaint about a therapist, the process offers a mechanism for other people to raise a concern about a therapist. For example, one therapist might raise a concern about the content of another therapist's website because they think it makes false claims.

Another option for complainants is the informal route of Alternative Dispute Resolution (ADR), which many organisational members have found to be an effective way of resolving complaints. ADR can be used where the complaint or concern does not suggest a risk to public safety. Supported by trained UKCP staff, the ADR process offers the chance to resolve disputes in a fair and transparent way while avoiding the stress and emotional toll of the formal process. ADR can be used before, or at any stage during, the formal complaints process.

This overview provides a summary of the complaints and conduct process and ADR, and briefly describes the role of the three main decision makers – the Complaints and Conduct Officer (CCO), Preliminary Enquiry Committee and Adjudication Panel.

The diagram above shows a simplified flow of the process. The diagrams at the head of each page show those stages in more detail.

Initial screening



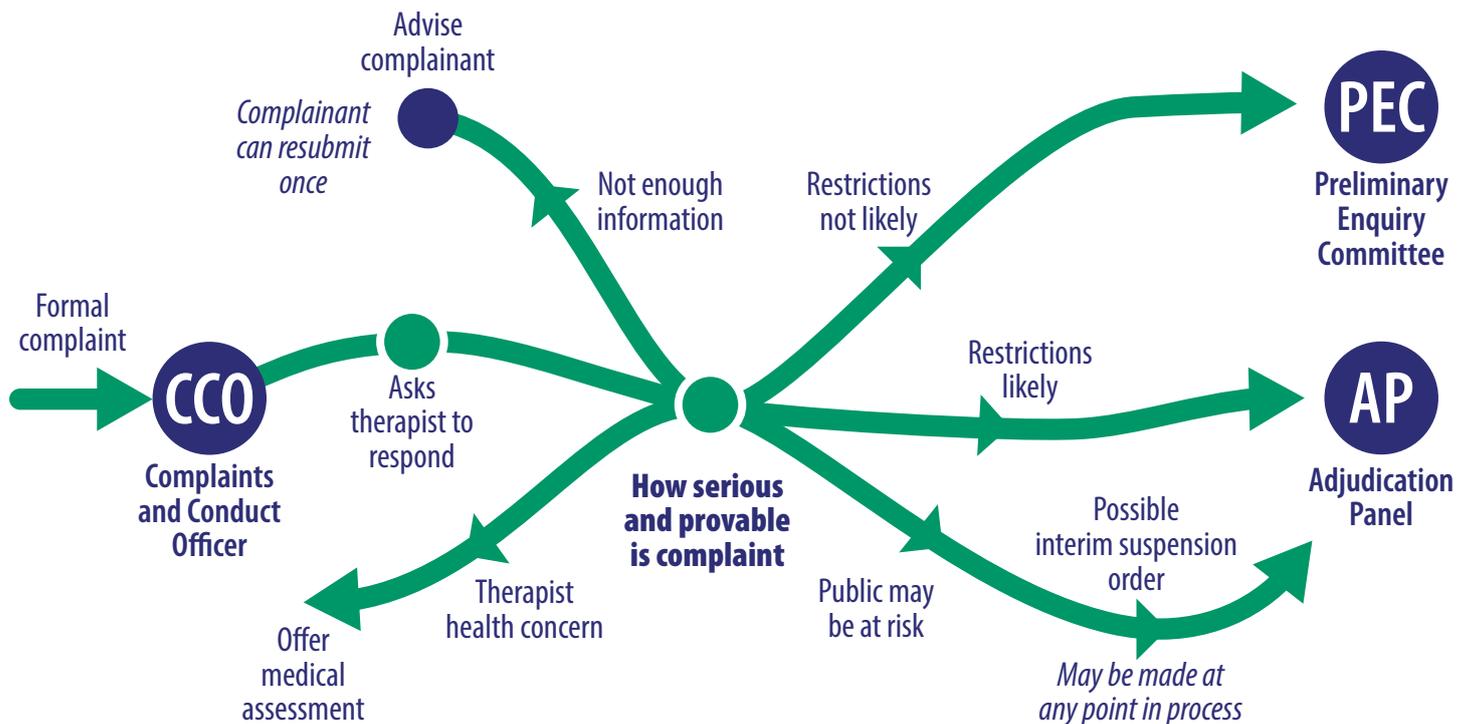
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Making a complaint

Anyone can use the complaints and conduct process to make a complaint or raise a concern about a therapist, as long as the therapist was on the UKCP register when the alleged incident or misconduct took place and is still on the register when the complaint is submitted. Requests to make an exception to this will be considered by the Professional Conduct Committee. Complaints should usually be made within three years of the date of the alleged incident or misconduct.

Before submitting a written complaint or concern to UKCP, the complainant will discuss the complaint with a Complaints and Conduct Officer (CCO). The CCO will give the complainant information about their options, which could include making the complaint or raising the concern with a more appropriate organisation or following the ADR process.

If the complainant chooses to follow the formal complaints process, they must submit their complaint or concern to UKCP in writing.



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Screening

When the complaint arrives at UKCP, it is screened by a CCO. The purpose of screening is to check that the complaint falls within UKCP’s remit and to assess the seriousness of the allegations and the likelihood of UKCP being able to prove a case. These factors determine how the complaint will be taken forward.

The CCO will provide the therapist with a copy of the complaint and ask them to respond. The CCO may also ask the therapist and the complainant for more information about the allegations. Any information provided will be shared with both the therapist and the complainant.

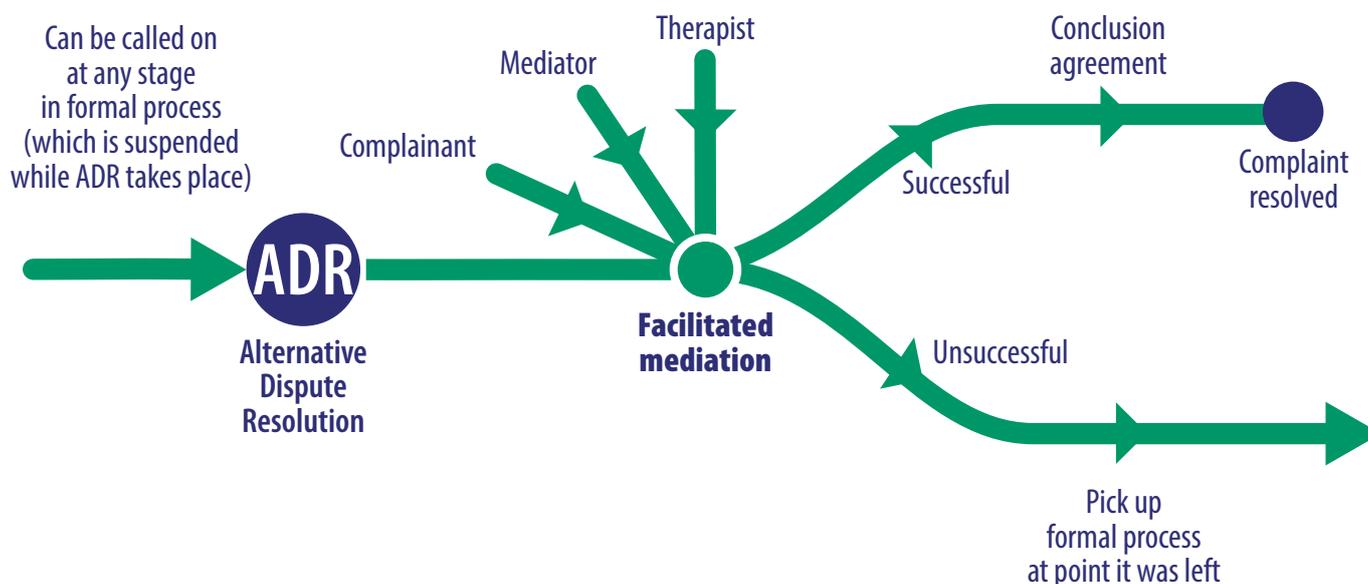
If the CCO decides that there isn’t enough information to support the allegations, he or she will write to the complainant to explain why. The complainant can take this information into account and resubmit the concern or complaint one more time.

The CCO will progress the case if it appears that there is a realistic prospect of UKCP establishing that the therapist’s fitness to practise is impaired or that his or her conduct has been unethical.

The CCO will consider the information provided by both parties. If the CCO believes that the likely sanctions would not involve restricting the therapist’s practice, or it is not obvious what the likely sanctions would be, he or she will refer the complaint to a Preliminary Enquiry Committee. If the complaint is more serious and the sanctions could include restricting the therapist’s practice, the CCO will refer it to an Adjudication Panel.

If the content of a complaint or concern suggests that a therapist’s practice or conduct is putting the public at risk, an Interim Suspension Order can be made at this stage, or at any time during the complaints process.

If the complaint or concern raises a question about a therapist’s physical or mental health, the therapist may be invited to attend an assessment with a medical practitioner appointed by UKCP. This can happen at any stage of the complaints process.



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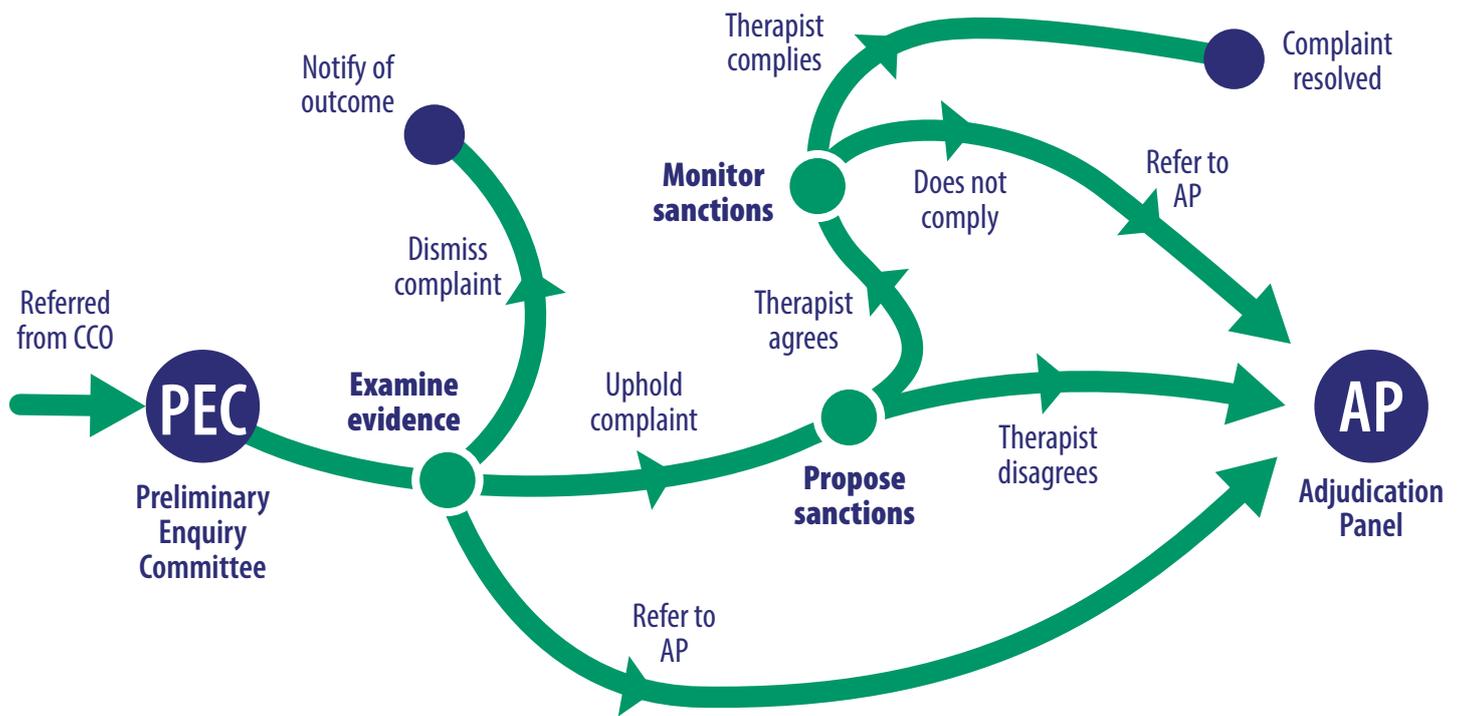
Alternative Dispute Resolution

ADR is another avenue for the resolution of complaints and concerns. It offers a fair and transparent process to help the complainant and therapist conclude a dispute in a way that satisfies both parties. It can be used for any complaint or concern except those where the allegations suggests a risk to public safety, or where the screening process identifies that a complaint, if upheld, is likely to lead to a restriction of practice order.

Conducted by a trained mediator, ADR can involve facilitated resolution, telephone mediation, face-to-face mediation or formal external professional mediation. ADR can be offered to try to resolve an issue at an early stage, to avoid the need to embark on the formal complaints process. If the complainant and the therapist agree, it can also be taken up before the screening of a formal complaint, after the screening process or at any other stage during the complaints process. If this happens, the formal complaints process is put 'on hold' until the outcome of ADR is determined.

If ADR is successful, the complainant and therapist will sign a conclusion agreement. This marks the end of the dispute and commits them to any terms that have been agreed as part of the dispute resolution process. The agreement may contain a voluntary conditions of practice order, which means the therapist agrees to accept conditions on his or her practice until he or she has taken steps to address conduct, health or competence issues.

If no agreement can be reached through ADR, the complaints and conduct process will be picked up and followed from the point at which it was left.



8 Preliminary Enquiry Committee (PEC)

A Preliminary Enquiry Committee can make decisions about a complaint or concern based on written information and evidence provided by the CCO. It can uphold the complaint and impose sanctions on the therapist, refer the case to an Adjudication Panel or dismiss the complaint. The therapist, complainant or CCO are not required to attend the committee meeting.

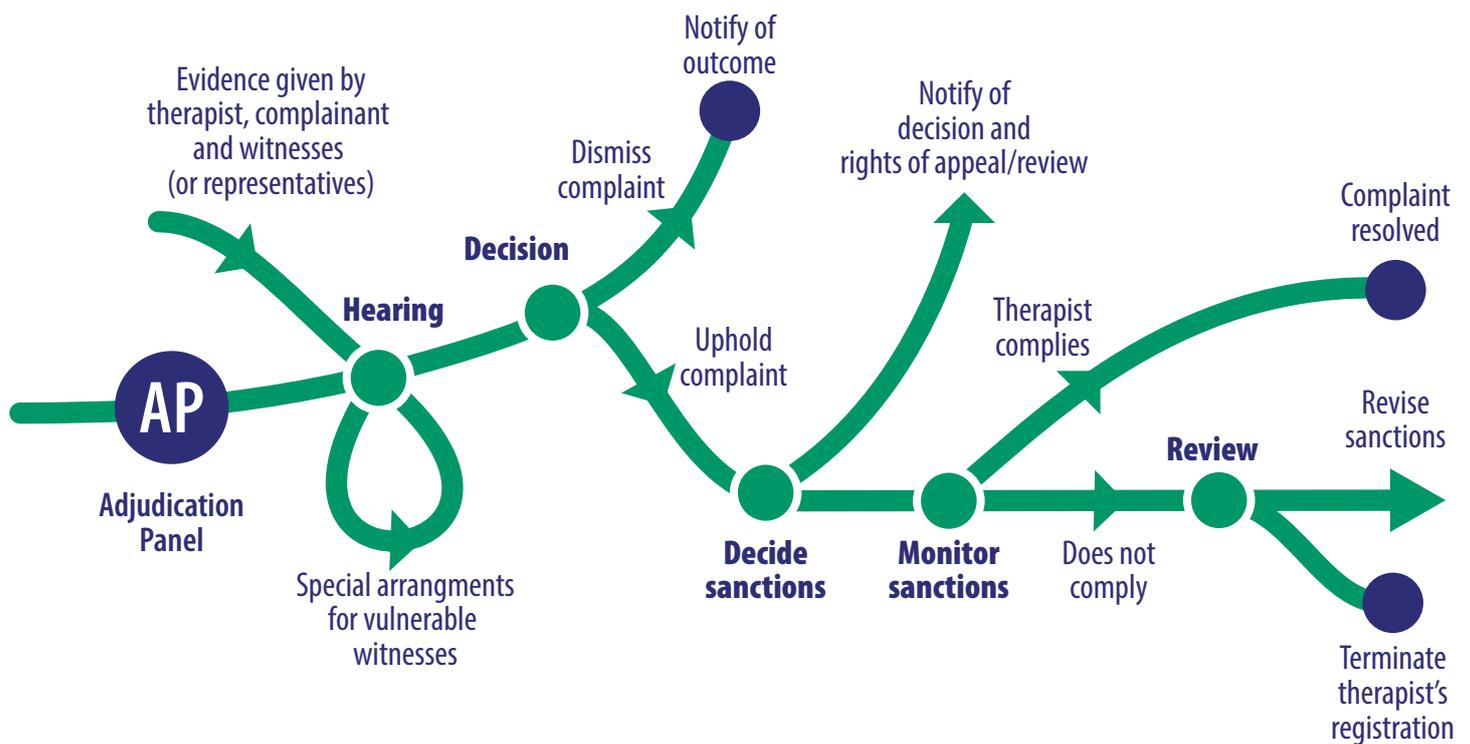
A written statement of the reasons for the committee's decisions will be sent to the therapist, the complainant and the CCO and published according to UKCP policy.

If a complaint is upheld, the Preliminary Enquiry Committee can choose from a number of sanctions:

- the therapist may be required to apologise to the complainant
- the therapist's UKCP registration can be terminated (and, if relevant, their registration with the organisational member), with the therapist's agreement
- the therapist can be required to undertake further training, supervision or therapy to address issues identified by the committee
- the committee can also impose conditions on the therapist's practice or suspend his or her practice for a specified time period while the therapist addresses conduct or fitness to practise issues.

If the therapist does not comply with the sanctions, the committee will refer the case to an Adjudication Panel, which has powers to suspend or terminate the therapist's registration.

The therapist's college and/or organisational member will be kept informed of the outcome of sanctions.



Adjudication Panel

Complaints referred to the Adjudication Panel normally go to a hearing. The therapist, complainant and any witnesses are usually required to attend the hearing. Hearings are normally held in public, although in exceptional circumstances the panel can decide to hold all or part of a hearing in private.

At the hearing, a UKCP Presenting Officer usually presents the case and the allegations. The therapist can choose to be represented by a legal representative. The panel hears the evidence against the therapist and the therapist’s response, listens to the therapist and witnesses being cross-examined and asks any questions that panel members feel necessary to help them make a decision.

Special arrangements can be made for vulnerable witnesses who are asked to give evidence, such as the use of a video link or pre-recorded evidence.

After it has heard all the evidence, the panel will consider the evidence about the case in private. If it is satisfied that the facts of the allegation are proved, it will decide which sanctions to impose.

After the hearing, the panel will inform UKCP, the therapist and the complainant of its final decision, the reasons behind the decision and any right of appeal or review. The panel’s decisions will be published according to UKCP policy.

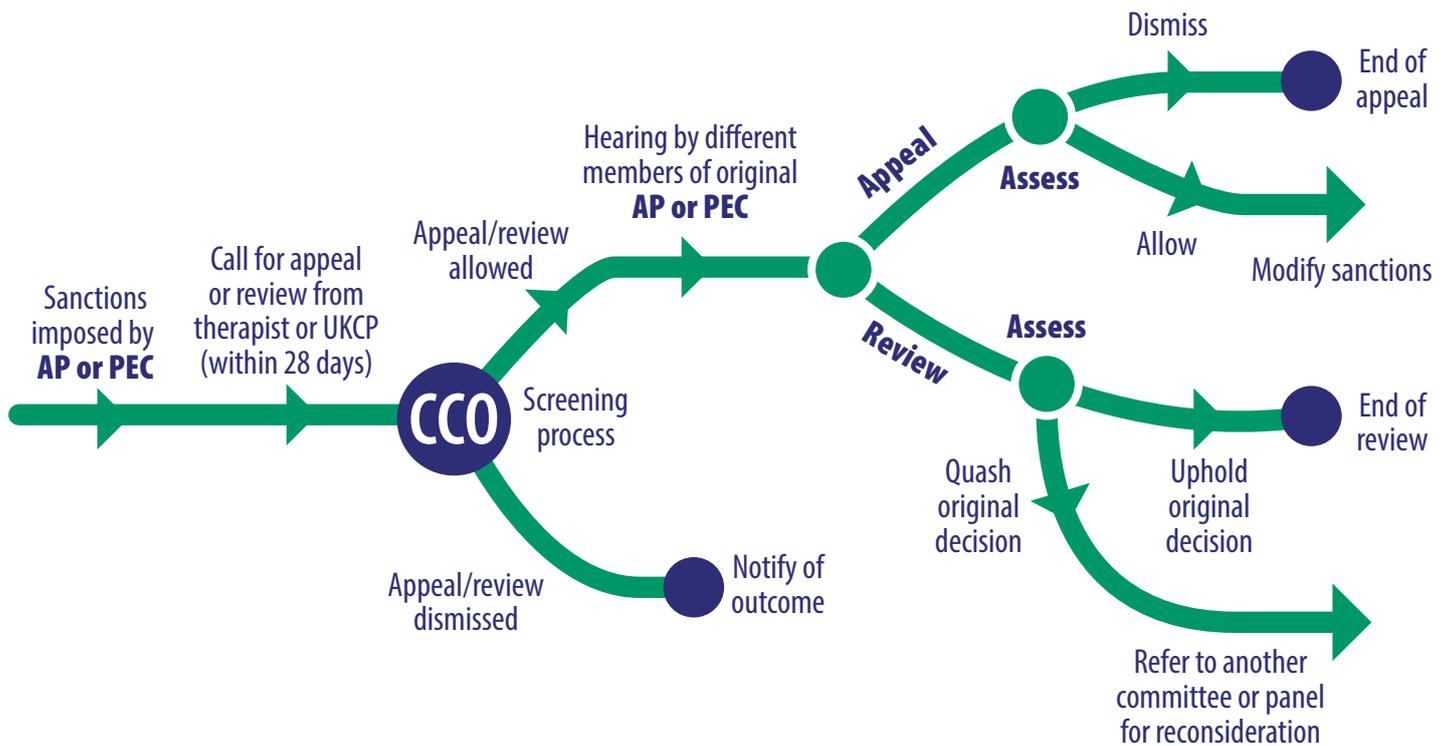
The panel will monitor the sanctions and will send a report to the UKCP registrar when they are completed. If the therapist doesn’t comply with the sanctions, the complaint can be referred back to the panel. If the therapist fails to give a reasonable explanation of why he or she has not complied, his or her registration with UKCP, and if relevant the organisational member, will be automatically terminated. The sanctions should start 28 days after the hearing.



Adjudication Panel sanctions

The panel can choose from the following sanctions:

- An apology from the therapist to the complainant, where the therapist has acknowledged mistakes.
- A letter of warning to the therapist in relation to specific conduct or misjudgement.
- If the therapist is a member of a committee or, for example, provides training, they can be removed from office with the agreement of the therapist's college or the organisational member.
- A written report by the therapist, to be submitted to the panel within a certain timescale, to explain what the therapist has learned from the experience.
- Further training, supervision or therapy for a minimum length of time to achieve goals identified by the panel.
- A conditions of practice order, which applies certain conditions to the therapist's practice for a specified period of time.
- A suspension order, which prevents the therapist from practising for up to two years, and is usually accompanied by a requirement for additional training and/or therapy.
- Termination of the therapist's UKCP registration and their registration with any organisational member.



Appeal and Review

UKCP or the therapist can appeal against a decision to impose a sanction if they think it is too lenient or too severe, or they can apply for a review of the decision-making process if they believe there has been an error in the way the complaints and conduct process has been applied. In either case, the appeal or application for review must be submitted within 28 days of the initial decision.

The screening process is used to assess whether appeals and applications for review should go forward.

If the original decision was made by a Preliminary Enquiry Committee, the appeal or review will be heard by a Preliminary Enquiry Committee comprised of new members. None of the members of the original committee or panel will take part in the appeal review. The same principle applies to decisions made by an Adjudication Panel. However, none of the members of the original committee or panel will take part in the appeal or review.

In the case of appeals, the committee or panel can choose to dismiss the appeal, or allow the appeal and make the sanction either more or less severe.

In the case of applications for review, the committee or panel can decide that there were no procedural errors (or that any errors did not lead to an unjust outcome), or grant the application and quash the decision. If the decision is quashed, the complaint will be referred for reconsideration by another committee or panel.

