

Complaints Procedure



Effective from 1 January 1999
(Redesigned, without changes, September 2011)

ASIIP COMPLAINTS PROCEDURE

1. Introduction

1.1 Aim

The aim of this procedure is to afford protection to the public and to protect the name of the profession of counselling and psychotherapy as conducted by individual members of ASIIP.

1.2 Bringing a Complaint

A complaint can be brought either by a member of the public seeking or using a service provided by a member of ASIIP, or by a member of ASIIP themselves.

1.3 Complaint against Non-members

ASIIP cannot deal with complaints against individuals who are not members of ASIIP.

1.4. Procedure

In outline the Complaints Procedure provides that:
on receipt of a complaint a decision will be made

EITHER

a) to accept the complaint for adjudication

OR

b) require the complaint to be remitted for preliminary investigation and conciliation prior to making such a decision.

OR

c) reject the complaint.

The procedure requires that a complaint is correctly formulated and that enough information is available for a decision to be made whether or not the complaint should go forward.

The adjudication of a complaint may be followed by the imposition of sanctions.

1.5 Time scale

A complaint shall be lodged within 5 years of the event(s) which form the substance of that complaint.

1.6 Administration

The administration of the Complaints Procedure will follow protocols laid down from time to time by the Complaints Committee of ASIIP and these will be administered by that Committee.

1.7 Expenses

ASIIP is not responsible for travel or any other expenses incurred either by the Complainant or the Member Complained Against in connection with any stage of the complaint.

1.8 Preparatory Consultations

Before opening the formal complaint, the Complainant is expected to attempt to resolve the issue with the individual Member Complained Against. The Complainant must demonstrate that all informal channels have been exhausted. If they have not, the Complainant will need to explain or demonstrate why not. Any person considering making a formal complaint may have preliminary discussions concerning the proper formulation of the complaint and the implementation of the Complaints Procedure with the Chair of the Council of ASIIP or a member of the Complaints Committee.

1.9 Dual Accountability

ASIIP may decide to investigate or adjudicate a complaint against a member when another organisation is involved in a similar process arising out of the same substantive matters. Members of ASIIP have to accept that membership involves obligations, and these have to be considered in their own rights.

2. Making a Complaint

2.1 The Complaint

The complaint must satisfy the following conditions:

- a) the allegation is about a breach of specific section(s) of any Codes of Ethics and Practice of BACP or the Rules of ASIIP
- b) the complaint is brought either by a member of the public seeking or using a service provided by a member of ASIIP **OR** by a current member of ASIIP against another member of ASIIP
- c) the Individual Complained Against is named **AND** is a current member of ASIIP **AND** was a member of ASIIP at the time of the alleged cause for complaint
- d) a current member of ASIIP bringing a complaint must also have been a member of ASIIP at the time of the alleged cause for complaint
- e) attempts to resolve the matter between the parties are shown to have been made or if not, an explanation of why not is provided
- f) legal proceedings have not been issued or contemplated regarding matters forming the subject matter of the complaint
- g) the written and signed complaint is received by the Chair of the Council of ASIIP.

2.2 Acceptance of a Complaint

- a) a copy of the complaint will be forwarded by the Chair of Council of ASIIP to the Chair of Complaints Committee
- b) the Complaints Committee will consider the complaint and decide if there are grounds for accepting the complaint

- c) if the complaint is accepted, the Complaints Committee will start the Complaints Procedure
- d) if the complaint is rejected by the Complaints Committee, the Complaints Procedure will forthwith be terminated and the Complainant accordingly notified.

2.3 Evidence

All evidence submitted by either the Complainant or the Member Complained Against will be open and available to all parties involved in the complaint. ASIIP will distribute to the other parties copies of all submissions made. A person who is not party to the complaint shall not be entitled to copies of any documentation which comes into the possession of ASIIP as a result of the complaint.

2.4 Conduct

Persons taking part in the Complaints Procedure are required to act in a manner that preserves confidentiality and avoids prejudicing the procedure's outcome or exercising an improper influence upon it. Any breach of this may result in the procedure being halted or terminated at any stage by the Complaints Committee.

2.5 Declaration of Interest

Persons taking part in the Complaints Procedure have a duty to declare any interest that may cast doubt on their impartiality. The views of the Complainant and the Member Complained Against will be taken into consideration when deciding whether the impartiality of any person taking part in the Complaints Procedure might be compromised as to require that they be replaced.

2.6 Suspension of Rights of Membership

The Complaints Committee can, after consultation with the Chair of the Council of ASIIP (or designated member of the Council of ASIIP), pending the completion of the Complaints Procedure, suspend the Member Complained Against's rights of membership of ASIIP when the complaint is of sufficient seriousness or because it alleges

EITHER:

- i.** physical or emotional harm caused

AND/OR

- ii.** the exploitation of a member of the public is involved

AND/OR

- iii.** where the complaint is of such a kind that it could result in the expulsion of the individual from ASIIP if the complaint is upheld.

In addition to or instead of the aforementioned the following rights of membership can be suspended with immediate effect:

a) Promotion in ASIIP's publications

b) the occupancy of a role within ASIIP's structures

c) the right to put oneself forward for election to the Council of ASIIP or the membership of a Committee

- d) voting rights
- e) any professional status conferred by virtue of membership such as Accreditation or Registration.

The Chair of the Complaints Committee will notify the Member Complained Against of the suspension of membership or of the suspension of any rights of membership.

No liability for any loss suffered will attach to ASIIP for the suspension of membership or rights of membership even where a complaint is not upheld.

2.7 Lapsed Membership

Failure to renew membership by a Member Complained Against shall not normally terminate the Complaints Procedure, which will continue to its conclusion. The Chair of the Complaints Committee may recommend to the Chair of the ASIIP Council that failure to renew membership reflects circumstances which justify a termination of the procedure. Such a recommendation, if accepted, will require the approval of the ASIIP Council. The Chair of the Council of ASIIP will then implement the decision which will be published in the ASIIP's Newsletter and notified to the parties.

3. Investigation and Conciliation

3.1 Aim

The aim of the investigation and conciliation stage is to seek sufficient information and to produce a record of the areas of agreement and disagreement between the parties involved in the complaint and make recommendations to the Complaints Committee on the possibility of resolution, the need to progress to adjudication or that there is no basis for the complaint to proceed.

3.2 Investigation and Conciliation

The Complaints Committee will appoint up to three independent persons (the Investigation and Conciliation Panel), who will act impartially, to investigate the complaint and prepare a report on the complaint for the Complaints Committee. One person must be a member of the Council of ASIIP.

The Complaints Committee will make arrangements for the Investigation and Conciliation Panel to meet with the Complainant and the Member Complained Against, either separately or together, as soon as practicable.

3.3 Notice of Meeting

The Complaints Committee will send written details of arrangements for the meeting to the Complainant and the Member Complained Against.

3.4 Outcome

Following the meeting(s), the Investigation and Conciliation Panel will send a report to the Complaints Committee. This report will then be sent to the Complainant and the Member Complained Against who will be required to submit any response within 14 days. After considering all submissions, the Complaints Committee will decide on whether or not to await further attempts at resolution or proceed to adjudication or terminate the procedure, and will notify the decision to the parties.

3.5 Refusal or Failure to Attend

3.5.1 Complainant

The refusal or failure of the Complainant to attend the meeting with the Investigation and Conciliation Panel, without good reason or at least 14 days' notice, will be notified to the Chair of the Complaints Committee. This procedure will be brought to a close and the Chair of the Complaints Committee will write to both parties to this effect.

3.5.2 Member Complained Against

The refusal or failure of the Member Complained Against to attend the meeting with the Investigation and Conciliation Panel, without good reason or at least 14 days' notice, will be notified to the Chair of the Complaints Committee who will recommend to the Council of ASIIP the termination of membership of that member. If agreed, the Chair of the Council of ASIIP will implement this action, notice of which will be published in ASIIP's Newsletter.

3.5.3 What constitutes "good reason" shall be solely at the discretion of the Complaints Committee who may take professional advice on the matter.

3.6 Appeal

3.6.1 Either party may appeal against a decision to terminate the procedure by writing to the Complaints Committee within 28 days of notification of the decision.

3.6.2 The Complaints Committee shall arrange for the Council of ASIIP to nominate up to three people not previously involved in the complaint, to consider the evidence on which the decision of the Complaints Committee was made. One person must be a member of the ASIIP Council. This Appeal Panel may take professional advice on these papers.

3.6.3 The above Appeal Panel will report their conclusions and recommendations to the Chair of the Council of ASIIP who will implement their decision which will be final, and notify the parties in writing within 14 days. No reasons shall be required to be appended to that decision.

4. Adjudication

4.1 Purpose

Adjudication exists to examine complaints in a formal manner, decide on their validity, and determine sanctions as appropriate. Where there are several complaints against the same member, they may be heard at the same Adjudication meeting.

4.2 Adjudication Panel

The Complaints Committee will appoint a panel of not less than three persons to adjudicate the complaint (the Adjudication Panel) and to preside over the Adjudication meeting. The composition of the Adjudication Panel will have regard to the aims of the Complaints Procedure and the requirement on members of the Adjudication Panel to be impartial. It will also have regard to ASIIP's equal opportunity statement and to the need for expertise required by the substance of the complaint.

4.3 Notification of Start of Formal Complaint

Copies of the formal complaint will be forwarded to the individual Member Complained Against.

4.4 Responding to a Formal Complaint

The Member Complained Against will be invited to submit written response to the formal complaint to the Complaints Committee within 28 days.

4.5 Venue

The venue selected for an Adjudication meeting will provide a secure and confidential environment.

4.6 Presence of a "Friend"

When appearing at the Adjudication meeting, both the Complainant and the Member Complained Against may be accompanied by a "friend" who may support them and can represent them.

4.7 Conduct

The Chair of the Adjudication Panel meeting (who shall be one of the Adjudication Panel) is responsible for ensuring that the Adjudication meeting is conducted in a manner which shows due regard to the gravity of the situation and to considerations of confidentiality.

4.8 Administration

The Complaints Committee is responsible for arranging the Adjudication meeting and notifying all participants in writing.

4.9 Written evidence

Written evidence and/or submissions and witness statements must be submitted in advance by the Complainant and the Member Complained Against. All evidence, submissions and witness statements will be open and available to all parties.

Evidence, submissions and witness statements must be received by the Complaints Committee not less than 21 days prior to the date fixed for the Adjudication meeting. Such papers will be circulated to the Adjudication Panel, the Complainant and the Member Complained Against, not less than 14 days prior to the meeting. The Chair of the Adjudication meeting may take professional advice on these papers and/or procedural matters.

4.10 New evidence

The only new evidence to be admitted on the day of the Adjudication meeting will be short oral or written submissions or otherwise at the discretion of the Chair of the Adjudication meeting.

4.11 Attendance of witnesses

The Adjudication Panel alone may invite witnesses to attend, to clarify and answer questions about their written submissions.

4.12 Failure to attend the Adjudication meeting

The failure of either the Complainant or the Member Complained Against to attend without good reason or at least 14 days' notice will result in the actions described in 3.5.

4.13 The Adjudication

Following the conclusions of the Adjudication meeting, the Adjudication Panel will decide whether the complaint is proved or not and may make recommendations on sanctions to be imposed. The Adjudication Panel will within 28 days report its decision in writing to the Complaints Committee. In the light of the decision the Complaints Committee will thereafter decide upon the sanctions that it proposes to recommend to the Chair of the Council of ASIIP to impose.

4.14 Notification of findings

Within 28 days the decision of the Adjudication Panel will be notified to the Complaints Committee, the Complainant and the Member Complained Against.

The Complaints Committee will notify the decision of the Adjudication Panel and its recommendations regarding sanctions to the Chair of the Council of ASIIP, who will decide thereafter on the sanctions to be imposed and will notify the Member Complained Against of any sanctions imposed.

The decision to uphold a complaint, detailing the clauses held to have been breached, will be published in ASIIP's Newsletter. The publication of decision and sanctions will be made only after the necessary time for notification of appeal has elapsed (see section 6).

5. Sanctions

Any of the following sanctions may be imposed:

- i.** requirement to demonstrate specified change/improvement by a specific date.
- ii.** provision of reports from a supervisor, acceptable to ASIIP, appointed to monitor the member's work.
- iii.** suspension of any professional status conferred by virtue of membership such as Accreditation or Registration and/or membership rights for a specific period and/or until conditions specified by ASIIP have been satisfied.
- iv.** termination of any professional status or membership
- v.** a directive to cease counselling/training/supervision or other counselling related activities for a specific period of time or indefinitely
- vi.** such other sanctions as may from time to time be appropriate to the particular circumstances of the case.

5.1 Lifting of Sanctions

The Member Complained Against may make application to the Complaints Committee for the lifting of sanctions when the conditions laid down have been fulfilled. The Complaints Committee will consider the evidence of compliance and will recommend to the Council of ASIIP whether or not sanctions should be lifted. The Chair of the Council of ASIIP will notify the member of the decision. The lifting of sanctions will be published in ASIIP's Newsletter.

5.2. Failure to Comply with Sanctions

Failure to comply with sanctions will result in the Complaints Committee writing to the Chair of the Council of ASIIP with information and recommendations on whether or not to terminate membership. The Chair of the Council of ASIIP will notify the member of the decision which may be published in ASIIP's Newsletter.

6. Appeals procedure following Adjudication

6.1 The Member Complained Against may appeal against the decision and/or the sanction(s) by writing to the Complaints Committee within 28 days of the notification of the sanctions.

6.2 The ASIIP Council will appoint up to three people not previously involved in the case, to decide the appeal (the Adjudication Appeal Panel). One member must be a member of ASIIP Council.

- 6.3 The Adjudication Panel will review the evidence on which the Adjudication Panel's decision was made, its decision and the sanctions imposed. The Adjudication Appeal Panel can at its discretion interview the Member Complained Against and the Complainant who shall both be entitled to bring a "friend" to that interview who may support them and represent them.
- 6.4 The Adjudication Appeal Panel will report its decision to the Council of ASIIP which will implement its decision which will be final.
- 6.5 The decision of the Adjudication Appeal Panel will be notified to the parties in writing within 14 days. No reasons shall be required to be appended to that decision.
- 6.6 Where the appeal is not allowed, the original decision of the Adjudication Panel and the sanctions imposed by the Council of ASIIP will be published in ASIIP's Newsletter.

7. Publication

- 7.1 ASIIP reserves the right to publish such details of complaints as it considers appropriate.
- 7.2 Any notification that ASIIP, under these procedures, is entitled to publish in its Newsletter may, at its discretion, be published elsewhere by ASIIP.
- 7.3 The termination of membership under the Complaints Procedure will be reported in ASIIP's Newsletter.

8. Effective Date

This Complaints Procedure is effective as from 1st January 1999.

Redesigned September 2011