

## **STEP 1: Exploration**

### Your Role in Our Process

If you wish to raise a complaint or concern, your role in our process is primarily as a witness, who provides us with information that's relevant to one of our members' role as a counsellor or psychotherapist.

You're not expected to know or understand our Code of Ethics, and you don't have to try and 'make a case' by using any legal arguments. You just have to provide us with information in good faith and let us follow our process. If your complaint goes as far as a formal Panel hearing, you don't have to take a role in 'prosecuting' your complaint – that's the job of the Society.

We will support you as much as possible, whatever you decide to do.

### **A. Contacting the Society**

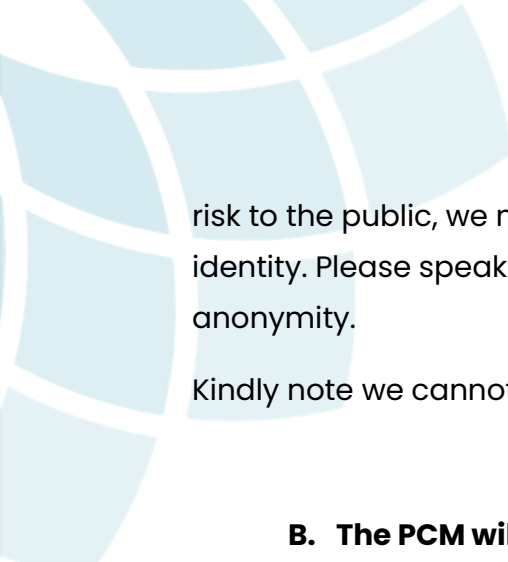
The quickest way to contact us is to email [conduct@ncps.com](mailto:conduct@ncps.com).

If you would like to speak to us by phone, you can call the department on 01903 213 683. Please note this is likely to be an answerphone message and you will be encouraged to leave an email address where, if necessary, we can send you our phone call calendar.

You may also write to the Professional Conduct Department, National Counselling and Psychotherapy Society, 19 Grafton Road, Worthing, BN11 1QT.

Our Professional Conduct Managers (PCM) deal with all aspects of raising a complaint or concern. In the first instance, they are here to listen to what you have to say. It's up to you whether you write to the Society, or phone. If you have any difficulties communicating or even wish another person to act on your behalf or support you, that's fine. You don't have to fill in a particular form.

Please note that anything you write to the Society could be disclosed to the member. Also, please note that if you disclose a significant safeguarding risk or



risk to the public, we may have to act on this in a way that could reveal your identity. Please speak with a PCM if you have any concerns about protecting your anonymity.

Kindly note we cannot offer a crisis service.

## **B. The PCM will perform a basic membership check**

We can always consider complaints or concerns where the person you wish to complain about is a member of the Society, and also that they were a member at the time your complaint covers.

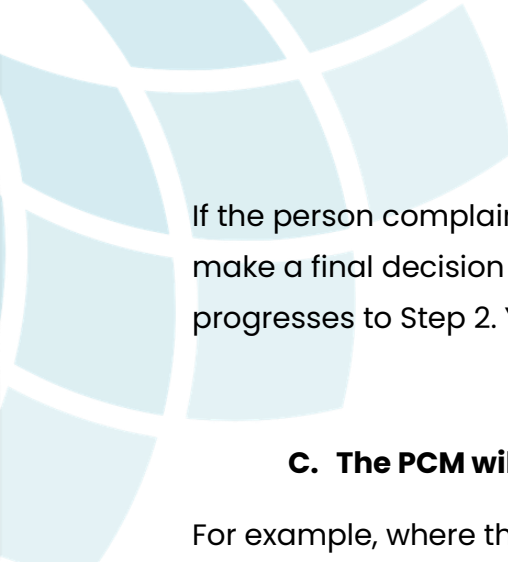
We may be able to consider complaints if the person you're wishing to complain about is no longer a member but was at the time your complaint covers. For this to happen, we have to decide that it would be in the public interest to pursue your complaint and that there was a reasonable chance of being able to gather evidence given that the person is no longer a member.

If the person being complained about was not a member at the time of the behaviour being complained about, but they are a current member, the PCM will determine whether it would be reasonable and in the public interest to consider the complaint.

An example of this might be serious professional misconduct, such as a sexual relationship with a client. However, if they were a member of another professional association at the time of the behaviour being complained about, you may be asked to contact the relevant organisation instead.

We would not normally consider a complaint which relates to anything over two years old. However, in some cases the complaint will be investigated if the PCM determines that it is in the public interest to do so and there is a reasonable prospect of gathering evidence.

If the person you're complaining about isn't a registrant (a fully professional member of the Society), but another kind of member, for example, a student, we may follow a different process – for example, by referring your complaint to their training school.



If the person complained about is not a current member, we may not be able to make a final decision about whether we can proceed with the complaint until it progresses to Step 2. You will be informed if this is the case.

### **C. The PCM will investigate the issue of other memberships**

For example, where the person you wish to complain about is not a member, we may be able to direct you elsewhere. In addition, where the person is both a member of NCPS and another body, a decision will have to be made as to where is the best place to hear your complaint. For legal reasons, the Society cannot hear a complaint where you have lodged the same complaint elsewhere. As a general rule, if the member has been on another Accredited Register longer than the NCPS or has seniority in membership elsewhere, we may advise you as to the best way to proceed.

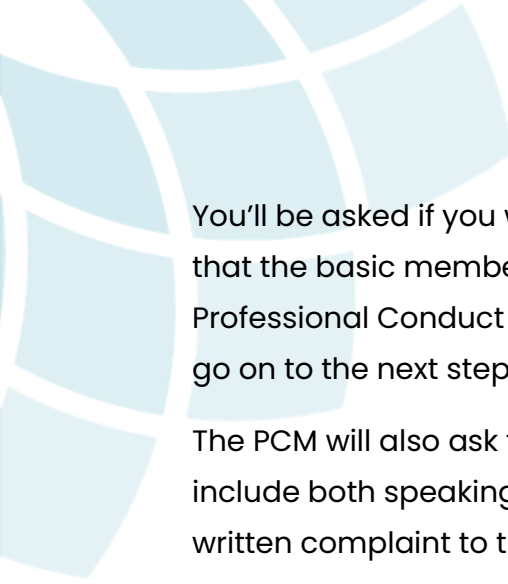
### **D. The PCM will record the basic details of your concern or complaint**

Either by talking with you or in writing, the PCM will listen to your complaint and take down the basic facts. It's a good idea if you're able to provide us with essential details like name, dates, location, and the basic information about what you feel went wrong. At this stage you don't have to write a detailed complaint, but you can do so if you wish.

Here the PCM will also determine your 'standing' in relation to the complaint. Are you a client of the member, or a colleague, for example a supervisor, manager or work colleague, or a third party?

They will also want to know if you've raised your complaint or concern elsewhere, for example with another Accredited Register, at work, or with a statutory authority.

### **E. The PCM will determine what you want to do and gain consent to communicate with the member**



You'll be asked if you want to proceed to the next step of the process, assuming that the basic membership check (Step 1 B) has been passed. If you do, the Professional Conduct Manager will tell you what further information they need to go on to the next step, and you don't have to make a decision straight away.

The PCM will also ask for your consent to communicate with the member. This will include both speaking to the member about your complaint and disclosing your written complaint to the member if appropriate.

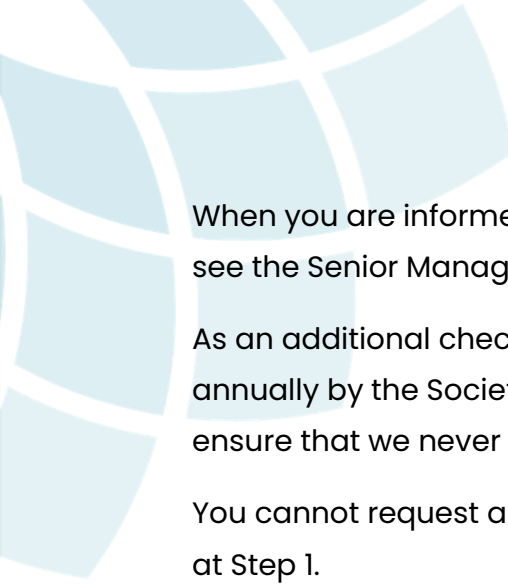
### **Ending the Process at Step 1**

A PCM may decide that your complaint can't go forward, and your case will end at this stage. This may be because:

- The case is about someone who has never been a member of the Society
- The case is not about a current member of the Society
- The case is about a current member, but refers to something that happened before they joined
- The case is over three years old
- There's no case to answer as there's no indication of a possible breach of the Code of Ethics
- You have complained to another professional body or should do so
- There's no prospect of gathering sufficient evidence to proceed, or the evidence provided is insufficient or can't be used
- You withhold consent to communicate with or disclose information to the member, and this would prejudice the case continuing.

### **Reviewing Ending at Step 1**

If a PCM decides to end the process for one of the reasons above, the Society will always have their decision reviewed by a Senior Manager. This is to ensure that the PCM has reached a fair and impartial decision based upon the evidence that you've provided.



When you are informed of the Society's decision to end the process, you will also see the Senior Manager has read and signed off on this decision.

As an additional check, our decisions to end the complaints process are reviewed annually by the Society's Independent Assessor. This additional check helps ensure that we never end a complaints process incorrectly.

You cannot request a review or appeal the Society's decision to end the process at Step 1.

If your case now proceeds, it will move to Step 2.

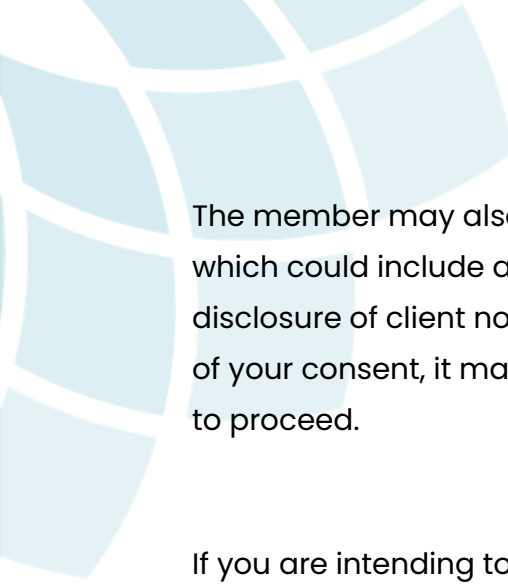
## **STEP 2: We'll Screen Your Complaint**

In this step, the PCM will review your complaint or concern in more detail, to make sure that it can proceed further. This might take a little time. The Professional Conduct Manager will apply a number of checks to determine whether the Society can go forward with your complaint.

### **Your Evidence and its Disclosure**

The PCM at any time during this step may request from you a full, detailed, written, disclosable statement together with any evidence you wish to disclose before they can proceed with your complaint. If this is not provided, the PCM may end the complaints process. Your statement, together with evidence you provide, may be disclosed to the member you are complaining about at any stage during this process.

You will be asked to provide your consent to disclose your statement and evidence to the member. If there is a significant public protection issue, your statement and evidence could be disclosed without your consent. If you have concerns about this, please talk to the PCM prior to providing us with your information.



The member may also wish to disclose evidence about their client relationship which could include a detailed discussion of that relationship including the disclosure of client notes. You may be asked to consent to this and in the absence of your consent, it may be deemed that there is insufficient evidence for your case to proceed.

If you are intending to provide information anonymously then please note that disclosing it could lead to your identification (for example, the member works out who has sent the information from its content or context.) It could also mean that we can't follow our complaints process and that, while we may use the information you provide to safeguard our Register, you will not be informed of any further steps we may wish to take.

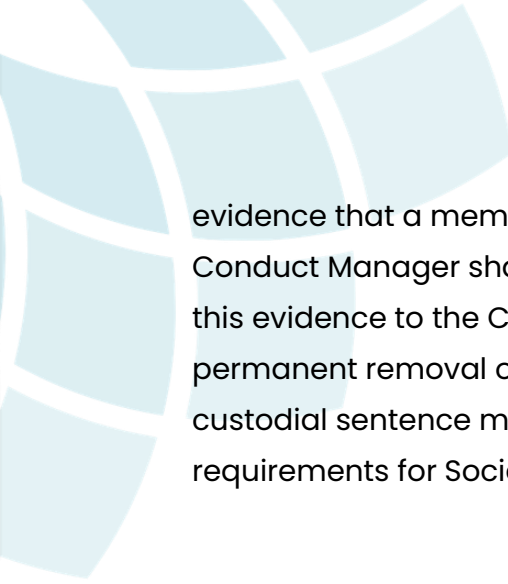
#### **A. Has a criminal offence been committed, or likely to have been committed?**

If there is evidence of criminality, the Professional Conduct Manager may advise you to contact the police. In certain circumstances they will also do so themselves. As part of this process, the Professional Conduct Manager may immediately apply a Suspension Order on the member to protect the public quickly. They then have to have their decision to suspend the member ratified by a Senior Manager within two weeks for the suspension to continue.

If at any stage of the complaints procedure, the Society becomes aware that criminal proceedings are likely or on-going, our complaints procedure will await the outcome. In some cases the member will then be removed from our Register on conviction as they will no longer meet the terms and conditions of registration. Please note that notification of a Police report is unlikely, in isolation, to indicate that criminal proceedings are likely or on-going.

#### **Custodial Sentences**

Where a member is given a custodial sentence, this means that they no longer meet the requirements for registration or membership, and both their registration and membership will be revoked. Disclosure of any custodial sentence being served to the Society is required by any member so convicted. On receipt of




evidence that a member is serving a custodial sentence, the Professional Conduct Manager shall immediately suspend the member and then shall provide this evidence to the Chair of the Assessment Panel who will authorise the permanent removal of registration and membership. A member serving a custodial sentence may not appeal this decision as they no longer meet the requirements for Society membership.

## **B. Should another process be followed first, or instead?**

The Professional Conduct Manager will determine if there are other processes that should be followed before the Society's complaints procedures. This is because it might not be appropriate for the Society to get involved in a complaint before another process is complete. Examples of this include, but are not limited to:

- i. **A complaint has already been made to another Accredited Register or professional association.** It would not be appropriate to run two complaints processes at the same time. In the case where complaints are submitted simultaneously, the Professional Conduct Manager may decide to allow another process to complete first, and to talk to the other organisation about how best to proceed. Standard 2 (a)(5) of the Professional Standards Authority's Accredited Registers programme means that the Society is required to take into account the decisions of other registers. If your complaint is heard by another register, it is likely that we will follow the decision of the other Register. The law, following a High Court decision, states that we cannot hear the same complaint if it has gone before another professional association as this would violate the legal rights of the member not to be 'tried twice' for the same issue.
- ii. **A complaint has been, or should be, made to a statutory authority.** If a complaint has already been made to such an authority, then the Society will await the outcome of that process. If it should be made to a statutory authority, the Professional Conduct Manager will advise you accordingly.
- iii. **A complaint has been, or should be, made to an employer, agency, EAP, line manager, or similar.** If such a complaint has been made, then the



Society will await the outcome of that process. If it should be, the Professional Conduct Manager will advise you accordingly.

iv. **The member is a student.** and the matter should be referred to their placement provider and/or training provider first.

v. **The complaint is about a social media post or posts.** in which case the Society will use our Social Media Concern Process as follows:

### **Social Media Concern Process**

The Society recognises that social media is a valuable tool for discussion and debate, and that disagreements on social media about a range of issues are common. It is also recognised that said disagreements can become contentious and problematical.

The Society's Code of Ethics sets out the standards expected of members but protects our members' rights to free speech. The Society's complaints process should not be used as a way of settling or progressing online disputes, and we do not have the resources to do so.

Where the Society receives a complaint about a member's social media posts, we will advise the complainant to report the post to the social media platform and, if appropriate, the Police. If relevant, due consideration should also be given to disengagement from online debate with the member and/or blocking their online profiles.

We will not consider complaints about the social media use of members unless they directly relate to client work or, in exceptional circumstances, where they appear likely to meet the high threshold of bringing the profession into disrepute.

Where, at our sole discretion, the Society does decide to consider a complaint about a member's social media posts, the Society will follow the Complaints Procedure with the following additional steps:

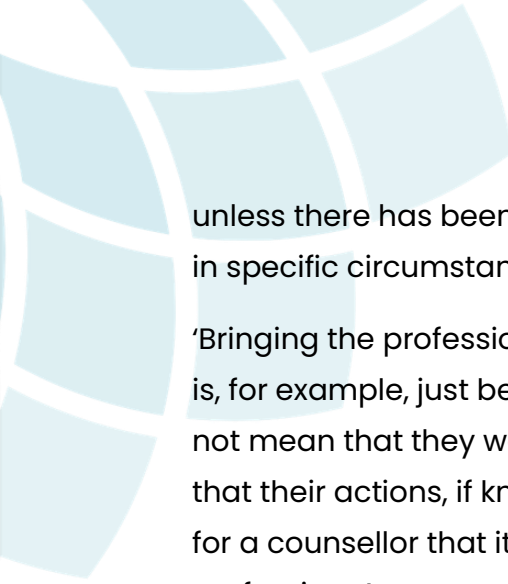
- At Step 1B, the Society will verify that the posts were made by a member of the Society and establish a timeframe.

- At Step 2, when determining whether the complaint should proceed to Step 3, the Society will, in addition to the screening questions at Step 2:
  - consider whether the member was exercising their reasonable rights to free speech and whether the posts relate to the expression of a protected belief;
  - take into account whether the complainant has taken any action to remove the posts, for example by contacting the social media platform or, if appropriate, the relevant authorities including the Police;
  - consider whether the Society should share the posts with the member and invite them to discuss the matter with us, including to help us establish the context of the posts and to understand if the member wishes to remove the posts or otherwise take action to mitigate any issues arising from the posts, if appropriate;
  - consider whether the posts were made as part of the member's private life or whether they were made in their professional capacity;
  - consider whether the complainant appears to have acted in a vexatious or antagonistic manner in their interactions with the member and whether there is evidence of the coordination of complaints.
  
- At any stage of the process (including as an alternative to engaging the Complaints Procedure or to proceeding to Step 3 of the Complaints Procedure where this procedure has been engaged), the Society may, issue an informal Letter of Advice to the member and cease further consideration of the complaint.

### **C. Is this within the scope of our Code of Ethics?**

The Professional Conduct Manager will make an initial determination on whether your complaint is within the scope of our Code of Ethics. It's not their role to decide that there has been a breach or that this has been proved – that would be for our Panels to decide. The PCM will give due consideration as to whether your complaint would be the kind of thing which falls under our Code of Ethics.

Our Code is primarily designed to deal with the member's actions with a client. There are limited times when we could consider hearing a complaint not connected with client work, for example, something 'likely to bring the profession into disrepute'. We do not, however, as a general rule, follow a complaints process



unless there has been direct impact on a member's actual client work, other than in specific circumstances.

'Bringing the profession into disrepute' is a high threshold. What we mean by this is, for example, just because a member was rude to you in their personal life does not mean that they would 'bring the profession into disrepute'. It generally means that their actions, if known, would be considered to be so seriously inappropriate for a counsellor that it would undermine how the public views counselling as a profession. An example of this might be domestic abuse.

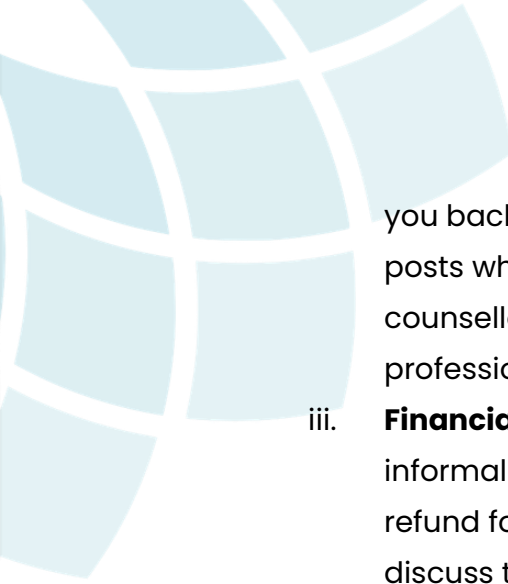
Another example is things members may say or positions they may hold on social media. Generally, these are outside of the scope of our Code of Ethics unless there is clear evidence of, for example, hate speech, libel or criminality.

#### **D. Would this be an 'excluded category'?**

There are some issues which our complaints process does not handle because it is not equipped to do so, or because it would not be appropriate to do so.


Examples of excluded categories include, but are not limited to:

- i. **Adjunctive Therapies.** This is where the complaint is about a member, but there was no element of counselling, psychotherapy or one of the therapies we register in your experience as a client. For example, if you went to see a member for aromatherapy treatment, we could not hear your complaint about the quality of that treatment. If, however, your client sessions involved both aromatherapy and counselling, we could. The only exception to this rule would be if the member's aromatherapy work would 'bring the profession into disrepute'. For example, if you saw them for pure aromatherapy work but they crossed significant professional boundaries. We would normally expect under such circumstances for your primary complaint to be to the professional association for the treatment you received.
- ii. **Private Life.** We do not normally hear complaints about a member when they are acting outside of their professional role. If for example, you have a legal or custodial dispute with a member, we would refer



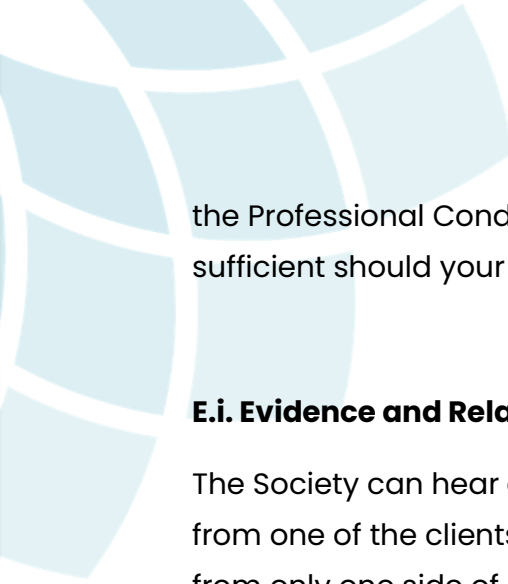
you back to use the appropriate legal remedies. Private social media posts which are separate from the member's online profile as a counsellor are also normally excluded. Again, 'bringing the profession into disrepute' would be relevant here.

- iii. **Financial Disputes and Debts.** Whereas we may be able to act as an informal 'go-between' if you feel, for example, that you deserve a refund for poor services from one of our members, and are happy to discuss that with them, we are not able to hear complaints relating to financial matters, disputes or debts. Our complaints process can't rule, for example, that you should get a refund. Our PCM can discuss other approaches you could take.
- iv. **Disputes Between Therapists.** Our process is not designed to deal with disputes between therapists; for example, an argument over how another therapist is running their practice. The exception to this is where, as another therapist, you have evidence of client harm.
- v. **Third Party Complaints.** We cannot hear complaints made by or on behalf of another professional body, as part of a professional dispute, or where complaints are made as part of wider litigation. Complaints about clients who do not agree with the complaint proceeding or who have no knowledge of the complaint may fall into this category on a case-by-case basis.
- vi. **On going Custody Disputes.** Complaints made about members working with minors in the context of an ongoing custody or access dispute will be referred back to the Court.
- vii. **Family Disputes Without a Legal Element.** We cannot hear complaints based upon family disputes over therapy provided to another family member; for example, where parents are in dispute over therapy provided to a minor in their care.
- viii. **No Client Impact.** We cannot hear complaints which have no direct impact on past, present or future clients, with the exception of 'bringing the profession into disrepute'.
- ix. **Overseas Practice.** Overseas practice may be excluded at the discretion of the Society; for example, if a foreign professional body should hear the complaint in lieu of the Society.
- x. **Ending Therapy.** The member was exercising their right to end the therapeutic relationship in a professional manner.

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- xi. **Advertising.** We deal with member advertising issues by approaching the member and, if advertising appears to be inaccurate or misleading, giving them a set time to change their advertising. If your complaint is about a member’s advertising, this is what we’ll do. We may also advise you to report the advert to the Advertising Standards Authority. If a member knowingly and repeatedly conducts false advertising, then the Society could suspend their registration.
  - xii. **Freedom of Speech.** Our Code of Ethics protects our members’ rights to free speech.
  - xiii. **Vexatious.** A complaint is ‘vexatious’ when it is being done for inappropriate reasons; for example, by a complainant who submits multiple complaints against members they don’t know, or where there is evidence that the complaint is submitted as part of a wider picture of harassment, or when the complainant communicates in an unreasonable manner with the Society in line with our inappropriate communication policy. A complaint can also be deemed vexatious as part of a welfare concern for the complainant.
  - xiv. **Safeguarding.** Where the Society has concerns about safeguarding the member, the complainant or our own team, we reserve the right to suspend or end the complaint or impose conditions on communication as part of the complaints process at our sole discretion.
  - xv. **Breaching Confidentiality.** Where a complainant breaches the confidentiality of an on going complaint; for example, by commenting about the complaint on social media, the Society reserves the right to end the complaints process.

### **E. Is there a reasonable prospect of gathering evidence?**

The Professional Conduct Manager will make sure that there is a reasonable prospect of gathering the evidence they would need for your case to go ahead. This is because, for example, should your complaint go to an Assessment Panel they will want to see what evidence there is and whether this is sufficient for them to make a decision. A complaint can proceed just with a written statement, but



the Professional Conduct Manager will need to make sure the basic facts are sufficient should your complaint go ahead.

### **E.i. Evidence and Relationship Counselling (e.g. 'couples counselling')**

The Society can hear a complaint about relationship, couple or group counselling from one of the clients involved. However, whereas we can accept a complaint from only one side of a couples counselling session, it may be determined that due to the non-response (or opposition) of another client, there is no prospect of gathering sufficient evidence to proceed with the complaint.

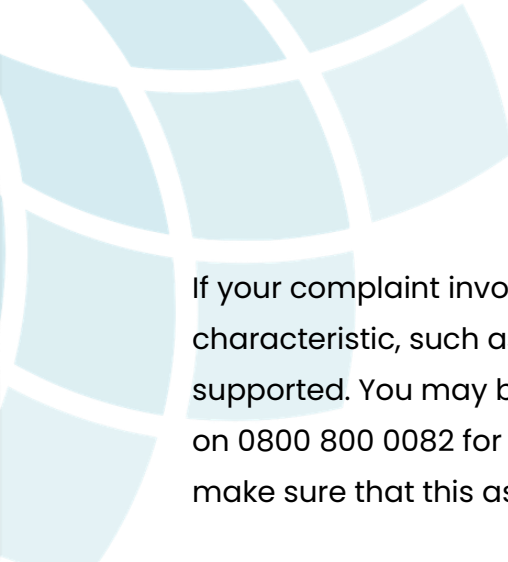
This will be assessed on a case-by-case basis, and the threshold for proceeding with a couples counselling complaint where only one client is participating will be based upon the public protection element of the complaint, together with the impact of the lack of evidence provided by the other party on the prospects for the complaint's success.

### **F. Is this affected by anonymity?**

If you wish to remain anonymous, the PCM will decide what to do. If your anonymity would prevent there being a reasonable prospect of the case proceeding, then your complaint may not be able to proceed. For example, if a member can't ask who the client was or be able to ask questions in a complaints hearing, it is unlikely that the hearing could uphold the complaint.

We can still take anonymous concerns forward under a different route, which we call **Acting on Evidence (AOE)**. This is where you are no longer the complainant because you wish to remain anonymous. However, this might risk disclosing information to the member that reveals your identity and the PCM will discuss the implications of this with you, especially any safeguarding concerns. If you choose to remain anonymous, we will not involve you in any further steps we take on the basis of your evidence.

### **G. Are there Equality Act implications?**



If your complaint involves being discriminated against for a protected characteristic, such as race, gender, religion, age or ability, we will ensure you are supported. You may be advised to contact the Equality Advisory Support Service on 0800 800 0082 for further advice on the options available to you, and we will make sure that this aspect of your concern or complaint is dealt with properly.

#### **H. Is this suitable for an informal resolution?**

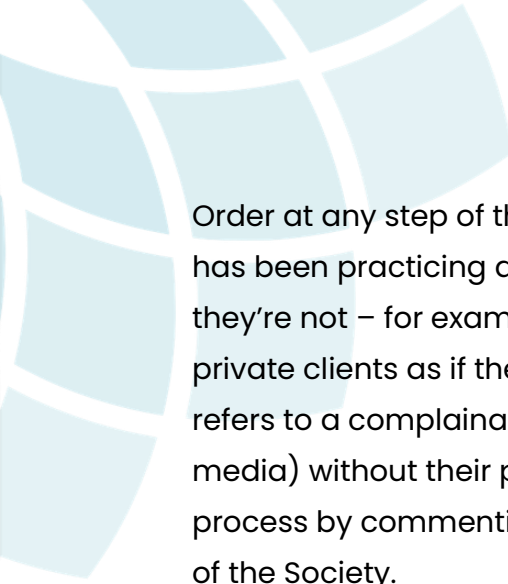
The last check which the Professional Conduct Manager will apply is to determine whether your complaint would be appropriate for informal resolution. This would only be done with your consent and could involve an informal discussion between the Professional Conduct Manager and the member, or an external mediation process.

Informal resolution has to be agreed by both parties. For example, you may decide that you just want a refund and an apology. The member may agree with you and that will close the matter. The member, however, may disagree with you and will instead exercise their rights to a full complaints process.

The PCM's role is to decide whether informal resolution is appropriate. There are situations where you may wish to seek informal resolution, but the PCM determines that the member's behaviour is likely too serious (if agreed by a Panel) for this to be appropriate. You will be advised whether informal resolution is something you'd like to consider.

#### **I. Should the member be suspended?**

In cases where the PCM has received evidence of a very serious breach of our Code of Ethics, and forms the view that continued registration risks causing public harm, they may issue a Suspension Order to the member and remove them temporarily from the Society's Register and suspend their membership. Issuing a suspension order does not mean a member has been found guilty of any breach of the Code. The PCM will need their suspension order ratified by a Senior Manager within two weeks of their decision, in which case it will remain in place until the conclusion of the complaints process. (The PCM may issue a Suspension



Order at any step of this process.) A suspension may also occur where a member has been practicing as if they are a registrant (fully professional member) when they're not – for example, where they hold student membership but are seeing private clients as if they're a registrant. In addition, a member who contacts or refers to a complainant (whether directly or indirectly, for example on social media) without their prior consent, or breaks the confidentiality of the complaints process by commenting on a live complaint may be suspended at the discretion of the Society.

A member who continues to practice while under suspension could face additional sanctions by the Society if it is deemed that their continued practice is a risk to the public. We will address this on a case-by-case basis.

After performing these screening steps, the PCM will contact you to explain their decision about if, and how, your complaint or concern can proceed. This concludes Step 2.

#### **J. Is further information required?**

The Professional Conduct Manager may, at their sole discretion, seek further information before determining whether the Society can go forward with your complaint. This may include seeking initial information and/or clarification from the member, which can include disclosure of some, or all of the evidence you have provided if deemed necessary (Without your consent to disclose this evidence your complaint may not be able to proceed.)

#### **Ending the process at Step 2**

A PCM may decide that your complaint can't go forward, and your complaint may end at this stage. This may be because:

- There's no case to answer and there's no identifiable potential breach of our Code of Ethics
- There is insufficient evidence to proceed (Step 2 Section E)
- Your complaint is not within the scope of our Code of Ethics (Step 2 Section C)

- Your complaint is in an excluded category (Step 2 Section D)
- Anonymity means the complaint can't proceed (Step 2 Section F)
- Your case falls into a criminal category requiring us to pause the complaint (Step 2 Section A)
- Your case should follow another process (Step 2 Section B)

## **Reviewing Step 2**

If a PCM decides to end the process for one of the reasons above, the Society will always have their decision reviewed by a Senior Manager. This is to ensure that the PCM has reached a fair and impartial decision based upon the evidence that you've provided.

When you are informed of the Society's decision to end the process, you will also see the Senior Manager has read and signed off on this decision.

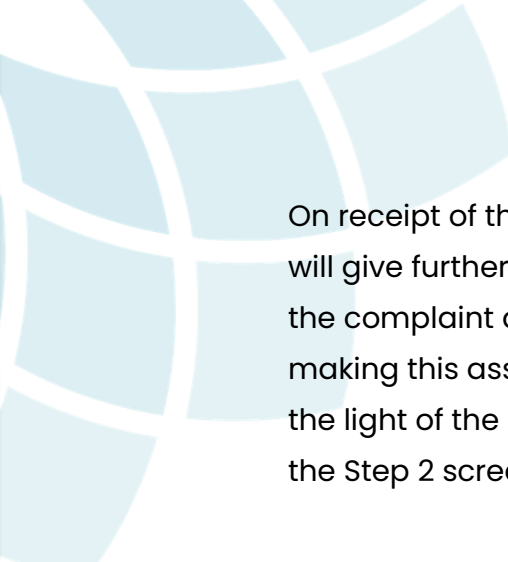
As an additional check, our decisions to end the complaints process are reviewed annually by the Society's Independent Assessor. This additional check helps ensure that we never end a complaints process incorrectly.

You cannot request a review or appeal the Society's decision to end the process at Step 2.

If your case now proceeds, the Society will move to Step 3.

## **STEP 3: We'll Contact the member formally and get their response**

- A. If your complaint does now proceed, the PCM will contact the member and disclose the full details of your complaint. The member will be required to respond to your complaint in writing, even if you just want an informal resolution. This is because if the informal resolution isn't successful, their response can be included in further steps.



On receipt of the member's response, the Professional Conduct Manager will give further consideration to whether the Society can go forward with the complaint and may consider the screening criteria at Step 2 when making this assessment. The complaint could be ended at this stage if, in the light of the information provided by the member, it becomes clear that the Step 2 screening criteria apply.

- B. The PCM will tell the member if you wish to attempt an informal resolution to your complaint (if appropriate) and talk to them about whether they wish to accept an informal resolution or whether they wish to use a formal process. (Both parties have to agree to an informal resolution).
  
- C. If both parties do not agree to an informal resolution (or one is not appropriate) then your complaint will proceed to Step 3 E if it is a complaint about social media posts (or similar); or Step 3 F for all other matters.

#### **D. Informal Resolution:**

#### **How Informal Resolution Works**

- Your complaint is put to the member, who must respond in writing. The member will also be sent your request for informal resolution.
- The member can choose to accept your offer of informal resolution, in which case this process will come to an end and your case has been finalised.
- The member can, once and once only, make a counter-proposal to your offer. If you accept their counter-proposal, then this process will come to an end. If you do not accept their counter-proposal, the Society will end informal resolution and your complaint will continue.
- In more complex cases, at our discretion the Society may use appropriate informal mediation processes if both parties consent.
- Neither party can revisit informal resolution if ended by the Society.

- Informal resolution decisions are not subject to review and the Society's decision is final.

#### Example:

You had 10 sessions with a member who cancelled with short notice and rearranged two appointments as they had car trouble, which caused you inconvenience. They also seemed distracted and uninterested in your issues as a client. You believe that the therapy you received was not good value for money and it cost £50 a session.

You request an apology from your therapist and a full refund of £500 as informal resolution. The PCM agrees that your case would be suitable and puts this to the member.

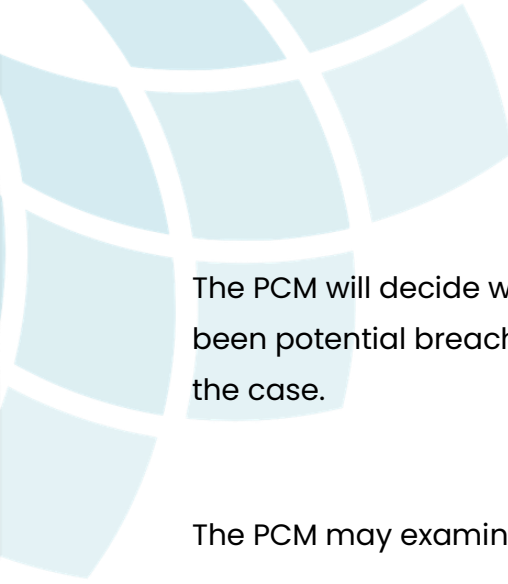
The member exercises their right to a once-only counter-proposal. They agree to apologise to you for not providing a good enough service, but they feel that you did make several positive comments about the service you received. They believe that offering you a partial refund of £250 is appropriate. You then have to make a decision as to whether to accept this or continue with your complaint.

## Refunds

The only way of determining whether a refund is appropriate (whether in part or in full) is via a complainant's exercising their consumer rights in court. The Society cannot, whether as part of an informal resolution process or in any other way, suggest or determine an appropriate level of refund.

### **E. Pre-Panel Review:**

At this stage, in the absence of informal resolution, the Professional Conduct Manager will review the information they've received from you and the member to determine whether all, or part of the complaint can proceed to an Assessment Panel. They will now have both your complaint and the member's response to take into consideration.



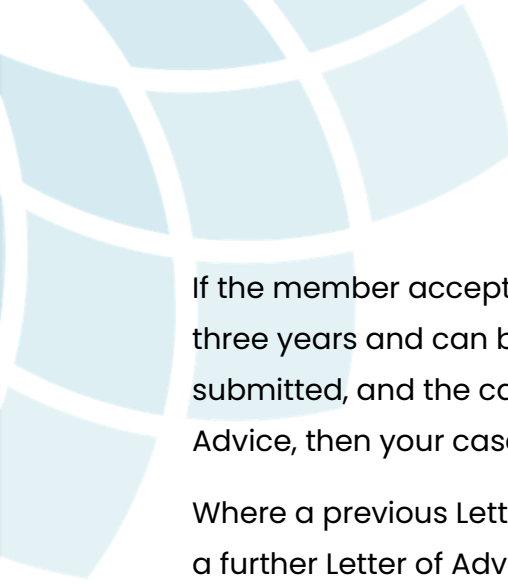
The PCM will decide whether the evidence demonstrates that there may have been potential breaches of the Code of Ethics such that a Panel should consider the case.

The PCM may examine issues such as, but not limited to:

- Whether the complaint reflects an experience of counselling / psychotherapy which did not satisfy the client but was not ethically or professionally unsound (for example, because the practitioner was not 'the right fit' for the client or because there was a rupture in the therapeutic process which would not be reasonable to expect the member to be able to resolve).
- Whether all or parts of the complaint are relevant matters for the Panel.
- Whether all or parts of the complaint could clearly indicate a breach of the Code of Ethics if upheld.
- Any other relevant issues which could affect the reliability or suitability of the case proceeding to an Assessment Panel.
- Whether there was a minor and technical breach of the Code best handled by a Letter of Advice rather than a Panel hearing.
- Whether previous sanctions or a previous Letter of Advice are still on the member's file.
- Whether the member was exercising, or attempting to exercise, their right to end the therapeutic relationship and did so to the best of their abilities given the context (for example, when the client did not want to end the relationship).

### **Letters of Advice**

For minor potential breaches of the Code of Ethics, the PCM may write to the member advising them on how to improve their practice. If the member has already received a Letter of Advice about a similar issue, then the PCM will refer the matter to an Assessment Panel.



If the member accepts the Letter of Advice, the letter will be kept on record for three years and can be taken into account if further similar complaints are submitted, and the case will be closed. If they choose not to accept the Letter of Advice, then your case will be sent to an Assessment Panel.

Where a previous Letter of Advice has been issued and is still on the member's file, a further Letter of Advice will not be issued and the matter must be referred to the Assessment Panel. Where the member has previously received sanctions and these are still on the member's file, the matter must be referred to the Assessment Panel.

### **Disclosure at Step 3**

The member's response is not disclosed to you at Step 3. If the Society decides that your complaint cannot proceed to an Assessment Panel, you will be sent a summary of the reason for this decision.

### **Reviewing Step 3**

If a PCM decides to end the process for one of the reasons above, the Society will always have their decision reviewed by a Senior Manager. This is to ensure that the PCM has reached a fair and impartial decision based upon the evidence that you've provided.

When you are informed of the Society's decision to end the process, you will also see the Senior Manager has read and signed off on this decision.

As an additional check, our decisions to end the complaints process are reviewed annually by the Society's Independent Assessor. This additional check helps ensure that we never end a complaints process incorrectly.

You cannot request a review or appeal the Society's decision to end the process at Step 2.

If your case now proceeds the Society will move to Step 4.

## **STEP 4: Assessment Panel**

### **What is an Assessment Panel?**

The Society's Assessment Panel usually consists of three people. They weren't previously aware of your complaint, and who have no connection with you or the member. The Chair of the Panel is normally a very experienced counsellor or psychotherapist, and there will usually be at least one 'lay member' of the Panel – someone who isn't a practising professional therapist and so who can bring a different perspective.

It's the role of the Panel to examine what both you and the member have said about the case, and to examine any evidence either of you has submitted. They can then make a decision about whether the member has breached our Code of Ethics, and if so, offer a solution.


The Assessment Panel process allows us to address concerns and complaints as quickly as possible, minimising the impact on both complainant and member. The Panel assesses the evidence 'on the balance of probabilities' and makes a decision. Neither you nor the member attend an Assessment Panel hearing which are usually conducted online. Unlike a more formal Independent Complaints Panel hearing, there is no 'cross examination' of each other's evidence or live hearing where either side could, for example, bring legal representation.

In using an Assessment Panel system, the Society hopes to be able to bring many complaints to a successful conclusion more quickly and so prevent prolonged stress for both parties.

The way this works is as follows:

#### **A. The Professional Conduct Manager may do a compliance check or audit of the member.**

A compliance check is where the member is asked to send in details of their supervision, insurance and CPD (Continuing Professional Development) to assure



the Society that their practice is being undertaken in line with our Terms & Conditions.

An audit is a more complex process where we may examine the member's qualifications and experience in more detail, as a way of providing valuable insight to our Panel.

There is a threshold for whether the Professional Conduct Manager will audit the member. This is whether an audit would assist a Panel in understanding any public assurance risk in the member's practice, given the nature of your complaint.

For example, if your complaint states that the member didn't seem to understand your particular issues during therapy, an audit may help us decide whether the member was properly trained and supervised to deal with your particular concerns, or whether they should have referred you to another therapist. If the PCM does conduct an audit, this may delay the Assessment Panel process.

**B. The PCM will send your complaint and the member's response to the Panel, together with any supporting evidence.**

The Panel will then consider both sides very carefully. You won't see the member's response to your complaint. This is because, if you wished to reply to that response, the member may wish to reply further and so the complaint could last an unreasonable amount of time with each party wanting to respond to the last thing which was written by the other side. (Should your complaint progress to a full formal hearing, both sides will have further opportunities to respond.)

Where the member has previously received sanctions or a Letter of Advice, the PCM shall disclose this to the Panel immediately after their decision as to breaches of the Code, but this information shall not be available to the Panel before this decision.



**C. The Panel may ask for further information or clarification, or may seek an expert opinion.**

After reading your case file, the Panel may decide to ask either you, the member, or both, for more information before they can reach a decision. In addition, they may delay proceedings while asking for an expert report – for example, on whether the member had the expertise to treat your condition.

**D. The Panel will then make its decision, which can be one of the following outcomes:**

- i. Letter of Advice. The Panel may decide that there were potential breaches of the Code of Ethics or concerns about a member’s practice, but these were of a minor nature and, as such, it would be appropriate to offer a Letter of Advice rather than sanctioning the member. In such circumstances, the member must accept the advice and that, if relevant, they breached the Code of Ethics. The Letter of Advice will not be published or shared but will remain on their file for up to two years.
- ii. Complaint Upheld: Consensual Disposal. The Assessment Panel often seeks to reach a decision by using something called Consensual Disposal. This is where a Panel finds that the member did breach our Code of Ethics, sets out what these breaches are, and applies sanctions. Sanctions are consequences for breaching our Code of Ethics and can range from removal or suspension from our register, to things like being instructed to do some retraining or undertake more supervision. The Panel asks the Member to admit that they breached the Code, and accept the sanctions offered. (A full explanation of sanctions can be found in our Indicative Sanctions Policy.) The highest sanction an Assessment Panel can offer under Consensual Disposal is ‘Voluntary Removal.’ This is where the Panel offers the member the chance to admit their breach of the Code of Ethics and be removed from membership of the Society. Voluntary Removal is reserved for the most serious breaches of the Code of Ethics. Consensual Disposal is not like a ‘plea bargain’ where, if you admit to something, you get a ‘lesser sentence.’ The job of the Assessment Panel is to ask the



question, ‘what would the outcome be if this went to a full ICP hearing and the ICP Panel found the member had breached the Code of Ethics in this way?’ They then offer what they believe to be the same outcome, but without the necessity of a full formal process. The member may reject the Panel’s offer of Consensual Disposal, in which case your case will be referred to a full Independent Complaints Panel (ICP) hearing. A Panel may uphold all, or only part, of your complaint in making an offer of Consensual Disposal.

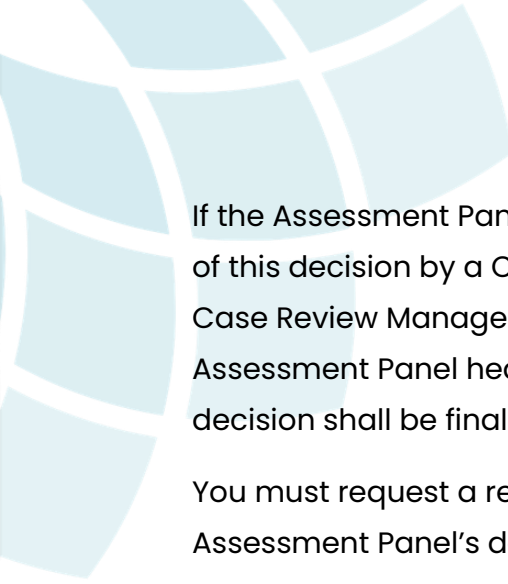
- iii. **Complaint Not Upheld.** The Assessment Panel may decide, having looked at both sides, that the complaint should be declined. This is because they believe that the member did not breach the Code of Ethics. They will give their reasons for this. A Panel may not uphold all, or just part, of your complaint.
- iv. **Membership Terms Breached.** The Panel may find that the member was not meeting the terms of membership (for example, not being adequately supervised) and may impose appropriate sanctions. This can happen whether all or part of your complaint is upheld.
- v. **Referral to a full Independent Complaints Panel Hearing.** The Assessment Panel may decide that they cannot reach a firm decision over your case, or that your case for other reasons requires a full ICP hearing, at their sole discretion.

#### **Disclosure at Step 4**

After the Assessment Panel has concluded their findings and the member has responded, you will be sent a summary of those findings.

#### **Reviewing Step 4**

If the Assessment Panel writes a Letter of Advice or offer of Consensual Disposal which is accepted by the member; or finds that terms of membership have been breached; or refers the matter to a full Independent Complaints Panel hearing; there is no right to request a review of their decision which shall be final.



If the Assessment Panel rejects your complaint entirely, you may request a review of this decision by a Case Review Manager, whose decision shall be final. If the Case Review Manager disagrees with the Assessment Panel decision, then a fresh Assessment Panel hearing will be convened to reassess your complaint. Its decision shall be final and not subject to further review.

You must request a review within seven days of your receipt of notification of the Assessment Panel's decision.

#### **Concluding Step 4**

In the absence of a review, Step 4 will conclude with either the complaints process ending, or referral to an Independent Complaints Panel.

If a member, once offered Consensual Disposal, does not complete the agreed sanctions, and has not exercised their right of appeal, they will be removed from membership.

#### **STEP 5: The Independent Complaints Panel**

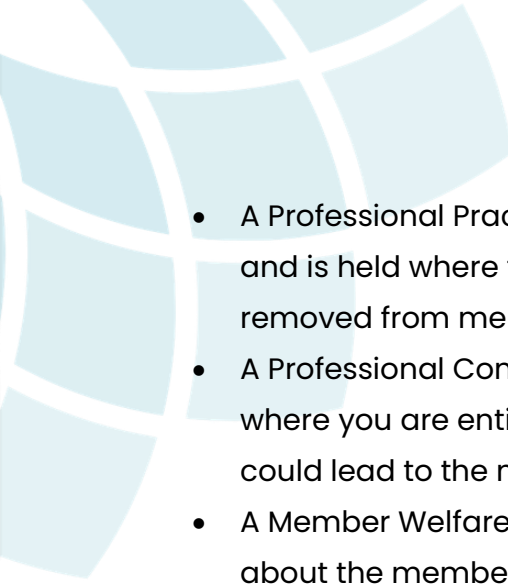
##### **What is the ICP?**

The Independent Complaints Panel (ICP) exists to hear complaints via a formal process, in cases where informal resolution or Consensual Disposal have not been successful – for example if the member appeals the findings of the Assessment Panel.

Full details of how the ICP works will be sent to you if your case progresses to an ICP. This is a headline summary of what to expect.

The Panel normally consists of a 'Lay Chair' – i.e. someone who is not a counsellor or psychotherapist, but who usually has other expertise, for example, a legal background – and two other Panel members, usually experienced therapists. The Panel cannot have any previous connection with your case.

The Panel can hold different types of hearing, as follows:

- 
- A Professional Practice Review (PPR). This is a hearing that you don't attend, and is held where there is no prospect of the member being suspended or removed from membership.
  - A Professional Conduct Hearing, (PCH). This is a formal, in-person hearing where you are entitled to attend and give evidence. It's held where your case could lead to the member being suspended or removed from membership.
  - A Member Welfare Hearing (MWH). This is a hearing where there are concerns about the member's ability to practice because of their mental or physical health. You don't attend this kind of hearing.

Your role in an ICP hearing is purely as a witness. The Society presents the case regarding the member's conduct on your behalf and if you attend a hearing you will be supported.

### **Disclosure at Step 5**

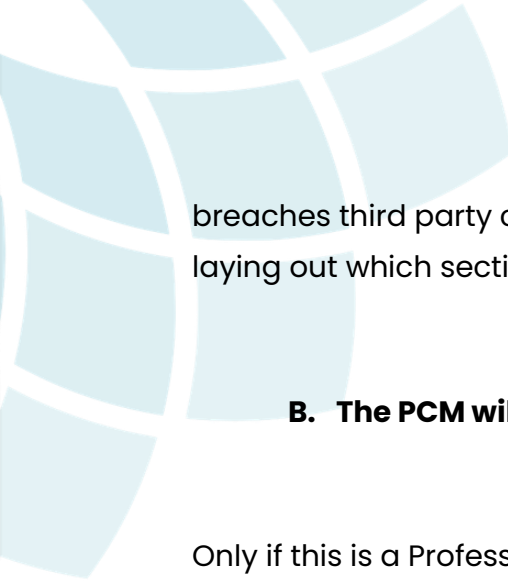
If your complaint proceeds to an ICP, the member's submission to the Society will be disclosed to you in full and you will be invited to respond. The member has a right to see any updated submission from you and to respond to that updated submission.

An exception to this may be during a Member Welfare Hearing, where a member has become unwell and it would be inappropriate to discuss their medical situation with you.

The ICP proceeds in the following way:

**A. The PCM will review and prepare the evidence. You may view the member's response to your complaint and reply to it. The member will see your reply.**

The PCM will then create a case file for the ICP. The Manager will apply some rules of evidence; for example, they may withhold evidence from the Panel which



breaches third party confidentiality, or which is repetitive. This work will involve laying out which sections of the Code of Ethics may have been breached.

**B. The PCM will advise you what kind of hearing the ICP will hold.**

Only if this is a Professional Conduct Hearing, where the member could risk suspension or removal from the register, will you be asked to attend.

**C. The ICP reviews the case file.**

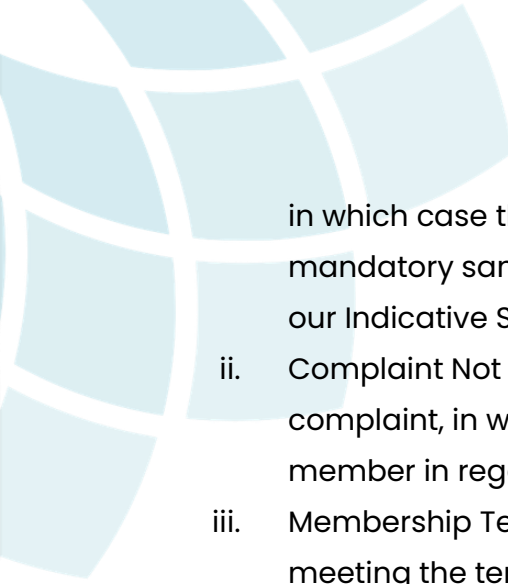
This is usually done initially by the ICP Chair, who will check everything before discussing the case with the wider Panel. They may ask either you, the member, or both, for additional information, or ask either party to clarify anything you have submitted. The Chair will then inform the Professional Conduct Manager they are ready for the hearing.

**D. The ICP holds its hearing.**

Full guidance as to what to expect can be found here.

**E. The ICP will make its decision, which can be one of the following outcomes:**

- i. Complaint Upheld. The Panel finds that the member has breached the Code of Ethics for either part of, or the whole of your complaint. If your complaint is upheld, the Panel will impose sanctions on the member which could range from removal from the register to 'action points' such as making different supervision arrangements. Where an Assessment Panel has previously made a ruling, the ICP may decide to uphold that decision,



in which case the original offer of Consensual Disposal will become mandatory sanctions. (For a full explanation of sanctions, please refer to our Indicative Sanctions Policy.)

- ii. **Complaint Not Upheld.** The Panel may not uphold all, or just part, of your complaint, in which case, no further action will be taken against the member in regard to aspects of your complaint which are not upheld.
- iii. **Membership Terms Breached.** The Panel may find that the member was not meeting the terms of membership (for example, not being adequately supervised) and may impose appropriate sanctions. This can happen whether all or part of your complaint is upheld.

You will be informed of the outcome of the ICP hearing once it is known whether the member wishes to exercise their right of appeal. (This may not be possible in some cases of a Member Welfare Hearing.)

## **Appealing Step 5**

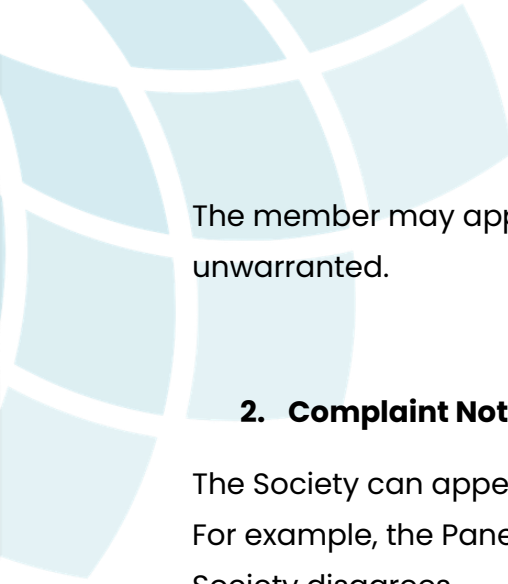
If your case was dealt with by way of a full Professional Conduct Hearing, the Society has the right to appeal the ICP's decision and will take your views into account when deciding whether to exercise its right to appeal.

The PCM will ask for your views as to the outcome of the hearing after it has taken place. You may be asked to put your views about the outcome in writing.

The Society can appeal on the following grounds:

### **1. Sanctions Insufficient**

The Society can appeal the sanctions that have been imposed to the member, if it feels they are inappropriate or insufficient. For example, the Panel may have imposed the member the opportunity to do some retraining as a sanction, but the Society believes that the member should be removed from the register, and has taken into account your views on the matter.



The member may appeal sanctions which they believe to be too harsh or unwarranted.

## **2. Complaint Not Upheld**

The Society can appeal any part of your complaint which the ICP didn't uphold. For example, the Panel found that the member didn't do anything wrong, but the Society disagrees.

The member can also appeal the Panel's decision on sanctions and on any parts of the complaint that were upheld.

## **3. Terms and Conditions of Membership**

The Society can appeal the Panel's decision where the Panel rules that Terms and Conditions of Membership have not been breached, but the Society believes that they have. Your views will not be sought regarding an appeal on these grounds as the Terms and Conditions of Membership are a technical matter.

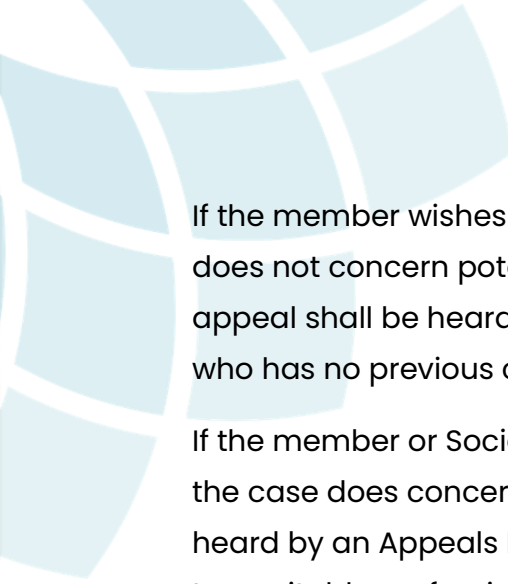
### **If there is no appeal**

If neither the Society nor the member appeals, your case comes to a conclusion at Step 5. Any appeals are heard under Step 6.

If a member does not complete sanctions imposed by the ICP, and has not exercised their right of appeal of said sanctions, they will be removed from membership.

### **Step 6: Appeals**

If the Society or the member appeals the ICP's decision, then your case will go to appeal.



If the member wishes to appeal a Professional Practice Hearing (where the case does not concern potential suspension or removal of membership) then the appeal shall be heard by an Appeals Officer. This is an appointed professional who has no previous connection with the case.

If the member or Society wish to appeal a Professional Conduct Hearing (where the case does concern potential suspension or removal) then the appeal shall be heard by an Appeals Panel. The Panel is composed of an independent Chair and two suitable professionals with no previous connection with the case.

### **Disclosure at Step 6**

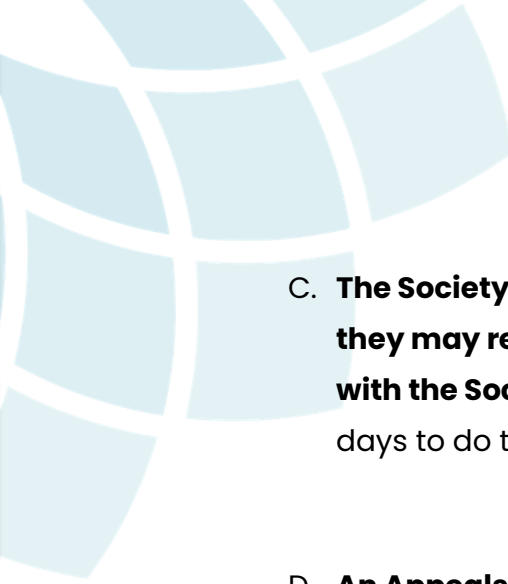
You will be informed if an appeal is taking place but will not otherwise be involved. You will be informed of the outcome of the Appeal once it is concluded by way of a summary.

The Society can only appeal an ICP decision where it believes it was too lenient, and the member can only appeal the decision where it believes it was too harsh.

You will not normally be involved in this part of the process, unless the Appeals Officer or Appeals Panel feels that hearing from you further is important.

If the Society or member wishes to appeal the ICP decision, then the following steps are taken:

- A. **An Intention to Appeal notice must be lodged.** within seven days of receiving the Panel's decision by either, or both, sides.
  
- B. **The Appeal should be received within 21 days.** of the ICP's decision. The Society will set out why it believes the sanctions imposed by the ICP were too lenient, or why it believes your complaint should have been upheld if it wasn't. The member will set out why they believe the sanctions were too harsh, or why they believe your complaint should not have been upheld. The Society or member can include further evidence if relevant, but if this should have been submitted earlier, it may not be taken into account by the Appeals process.

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- C. **The Society's appeals submission will be shared with the member and they may respond, and/or the member's submission may be shared with the Society who may respond.** Each side will normally be given 14 days to do this.
- D. **An Appeals Officer or Appeals Panel will examine the Appeal.** They will carefully consider the decision of the ICP, and try to reach a decision within 28 days. They may ask either party or the PCM for additional information if required, and may also commission an independent expert report if necessary. The Panel will reach a paper decision and there is no need for a further hearing.
- E. **The Appeals Officer or Panel will make a decision.** The following outcomes are possible:
- i. Appeal Upheld – Amended Outcome and/or amended Sanctions. The Appeals Panel may uphold all or part of the appeal. For example, they may decide that the sanctions imposed by the ICP were too lenient or too harsh; or that the ICP did not make a correct decision when upholding (or declining) the complaint. It will then make a new, final ruling with a new outcome and new sanctions, if appropriate.
  - ii. Appeal not upheld. The Appeals Panel may decide to not uphold all or part of an appeal. For example, they may decide that the ICP imposed the correct sanctions, or that that the ICP was correct when they did not find there was a breach of the Code of Ethics.

### **What happens after an Appeals Panel or Officer Decision?**

The decision of the Appeals Panel or Officer is final and binding on both the Society and the member, and this concludes the complaints process for all parties.



You will be informed of the Appeal Panel or Officer's decision.

In cases where the member does not complete sanctions required by the Appeals Panel, they will be removed from membership.