

Guidelines for expressing a grievance and making a complaint

These notes should be read in conjunction with the Professional Conduct Procedure and Article 12.6 of the Memorandum and Articles of Association of the British Association for Counselling and Psychotherapy (BACP), where appropriate. They address some of the common concerns of those involved in the process and may be revised from time to time.

Introduction

The BACP promotes the value of counselling and good practice. For this reason BACP is concerned that a person who is not satisfied with a Registrant/Member of BACP should have the opportunity to air their grievance or to make a complaint and seek resolution. Organisational members of BACP are responsible for ensuring that counsellors working within their organisation practise in accordance with the BACP Ethical Framework for Good Practice in Counselling and Psychotherapy (EFGPCP).

It is acknowledged that bringing a complaint against a Registrant/Member can be very distressing for a complainant. BACP acts fairly to all parties in a complaint and endeavours to minimise any distress that may arise in the course of these procedures. If you are considering making a complaint you may wish to contact BACP's Professional Conduct Department for information on how to make a complaint. If you are seeking advocacy or other forms of support, it may be possible that organisations such as the Clinic for Boundaries Studies (www.professionalboundaries.org.uk) (tel: 0203 468 4194), the Citizens Advice Bureau or Mind are able to provide advice or assistance. However, BACP does not endorse or recommend any organisation and any arrangements are a matter for the parties themselves. BACP is also not in a position to provide any legal advice. When formulating your complaint, you will need to state the specific actions which you believe have contravened the EFGPCP and/or the relevant Codes of Ethics and Practice and give a detailed account of your reasons for believing this to be so. It is also important that your complaint includes all of the allegations you wish to bring against the individual or organisational Member/Registrant as it is not possible to add new allegations at a later date.

You should also ensure that a separate complaint is presented for each individual or organisation that you wish to complain against as each individual or organisation is accountable in their own right. If there is a period of time between your intention to submit a complaint and the actual date of submission, please check that your complaint satisfies the steps set out in the checklist.

Grievances

In some cases it will not be necessary to get involved in making a formal complaint as disagreements or misunderstandings can be resolved by a frank discussion.

BACP encourages that anyone with a grievance discuss their concerns with the relevant individual or organisational Member/Registrant of BACP against whom they feel they have a grievance and clarify with them what your concerns are before you formulate a complaint to

BACP. BACP encourages complainants to use both informal and formal routes of resolution at a local level prior to submitting a complaint under the Professional Conduct Procedure.

If despite these efforts there is no satisfactory outcome, you are required to include details of your attempts at resolution in your complaint.

If you feel you are unable to approach the Member/Registrant of BACP complained against, you may wish to make a formal complaint to BACP. However, if you felt unable to approach the Member/Registrant or felt it was inappropriate, you are required to include in your formal complaint an explanation of your reasons.

Making a formal complaint

To bring a complaint you must fall into one of the categories of persons described in paragraph 1.2 a-d in the Professional Conduct Procedure (page 1 of the Professional Conduct Procedure). The complaint submission must meet the conditions for acceptance as laid out in the Professional Conduct Procedure at paragraph 2.1.

Once a complaint is being processed under the Professional Conduct Procedure, it is the duty of both parties to the complaint to comply with its implementation as detailed at paragraph 3.4 of the Professional Conduct Procedure. As such there is an expectation that parties will not behave in a rude or abusive manner and that parties to a complaint will co-operate in the fixing of a date/s for a hearing. It is also expected that parties to a complaint will supply information and respond to communications from BACP where required. Any failure to comply with the implementation of the Professional Conduct Procedure by either party may result in termination of the Professional Conduct Procedure or withdrawal of membership under Article 12.6.

Further information

Where possible and appropriate you should provide witness statements to substantiate your complaint. The Professional Conduct Panel may ask witnesses to attend and speak at a Professional Conduct Hearing.

If you are concerned about the possibility of legal action following a complaint you are advised to consult a solicitor. BACP will not accept or process complaints whilst legal action concerning the subject matter of the complaint is in process or is proposed or initiated whilst the complaint is being processed by BACP. Any legal action should be completed before the complaint is submitted to BACP or initiated after the BACP procedures have been concluded. If considering the submission of documentation used in a legal process you may wish to take legal advice as to whether it forms part of your submission to BACP. The BACP Professional Conduct Procedure is not a legal one.

At a Professional Conduct Hearing you may be accompanied by a representative/support person who can support and represent you but it must be stressed that one of the purposes at Adjudication is that of dialogue between the Panel, the Complainant and the Member/Registrant Complainant Against.

Please be advised that in all cases, as a matter of best practice and for an accurate record of a hearing to be maintained, hearings are audio recorded. The recordings of these hearings form part of the evidence and are stored confidentially and securely under lock and key as per the Professional Conduct Procedure. The recordings are not delivered to anyone other than the two parties concerned, the Member/Registrant Complainant Against and the Complainant, upon written request. A copy will be provided to an Appeal Assessor if an appeal is made. The recordings are transcribed if a case goes to an appeal hearing. They are then destroyed in line with our retention policy after a period of seven years.

The Professional Standards Authority for Health and Social Care (the Authority) oversees statutory bodies that regulate health and social care professionals in the UK. It assesses their performance,

conducts audits, scrutinises their decisions and reports to Parliament. It does this to promote the health, safety and well-being of users of health and social care services and the public.

The Health and Social Care Act 2012 established that the Professional Standards Authority (the Authority) also sets standards for organisations holding voluntary registers for health and social care occupations and accredits those that meet them. Accreditation means that a voluntary register is managed effectively and adheres to good practice. It enhances consumer protection and help consumers to make informed decisions.

The British Association for Counselling and Psychotherapy (BACP) submitted an application for accreditation to the Authority and achieved accredited status for its Register. As part of our commitment to standards and to assist the Authority to monitor those standards, it may be necessary for the Authority, from time to time, to observe a hearing and assess the process by which the hearing is run. The presence of the Authority would be subject to the consent of both parties to the complaint. We appreciate the sensitivity of information that may be disclosed in a hearing, but can assure you that the confidentiality of that information will be respected and the information not disclosed elsewhere.

Further to this, the presence of the Authority will be governed by a confidentiality agreement providing you with the same level of confidentiality as you would enjoy with both the adjudicators and the officers of BACP.

Third party complaints

Third parties can raise matters of concern with BACP about a Member/Registrant under the Professional Conduct Procedure provided they fall into the category of complainant described in paragraph 1.2d. A third party is someone who is not a current member of BACP and who was not the person seeking or using the services of the Member/Registrant concerned. A third party who has not been directly affected by the actions of the Member/Registrant nor has sufficient interest but who believes they have witnessed or have information about a contravention of the EFGPCP may submit information under a different procedure. Please refer to the Article 12.6 Procedure for further information. This procedure differs from the Professional Conduct Procedure.

Outcome of the Professional Conduct Procedure

Counselling and psychotherapy is not a profession that is statutorily regulated. Each professional body, like BACP, self regulates its own Members/Registrants. Some complaints that are of sufficient seriousness may result in the withdrawal of membership/registration of the person concerned. However, this does not necessarily mean that the therapist or organisation is legally required to cease practising.

The outcome, if a complaint or portion of the complaint is upheld, will be published on BACP's website and may also be published in its journal, *Therapy Today*, along with any sanction imposed in accordance with clause 8 of the Professional Conduct Procedure and this information is then in the public domain. Sanctions usually have an educative and monitoring purpose and are designed to rectify or improve the practice of a Member/Registrant.

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