



GUIDELINES FOR THIRD PARTY COMPLAINTS

There are a number of considerations that need to be taken into account when submitting a third party complaint.

In order for a third party to bring a complaint, they must have a sufficient interest in the matter or person to which the complaint relates and have been directly affected by the actions of the Member/Registrant.

Firstly, it will be necessary for the third party to identify why they are bringing the complaint, their relationship with the parties and their interest and/or involvement in the matters raised.

Secondly, it will be necessary for the third party to give a detailed account of how they have been directly affected by the actions of the Member/Registrant.

The client will need to have been made aware by the third party that a complaint is being submitted with regard to the counselling and psychotherapy services received by the client. In the interests of a fair hearing, it may be necessary for the panels to verify information with the client and for the client to be present at the proceedings in order to provide clarification and to be questioned.

The issue of confidentiality with regard to any third party complaint is of significant importance. Prior to submitting a complaint, a third party will need to ensure that they have the necessary authority and consent to submit information. The contents of the counselling sessions relating to the client are normally subject to a duty of confidentiality owed to the client by the practitioner. The information/personal data that a third party may wish to submit about another party may be of a sensitive nature and subject to the provisions of the Data Protection Act 1998. Additionally, the incorporation of Article 8 of the European Convention on Human Rights into UK law by the Human Rights Act 1998 creates a general right to respect for privacy. Wherever possible, the client's consent to have the information submitted will be necessary and such consent should be informed consent and in writing. There may also be situations where the third party may need to obtain Court or other consents prior to submitting specific information.

The Pre-Hearing Assessment Panel will consider and decide whether there is a sufficient interest and whether the third party was directly affected. In so doing, it will take into account the public protection function of the procedure and together with any legitimate concerns.

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