

Making a complaint - a guide to BACP's Professional Conduct Procedure

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Introduction

The British Association for Counselling and Psychotherapy (BACP) is a voluntary professional membership organisation for counsellors and psychotherapists. We're committed to raising professional standards and ensuring protection of the public. We take complaints from the public seriously and your complaint is very important to us.

The Professional Conduct Procedure (PCP) is the main process we use for considering complaints about members. We can resolve complaints in various ways through the PCP. We always aim to find the best way to handle your complaint as quickly as we can.

This guide provides an overview of the PCP. It explains how we handle complaints from start to finish. You can also see the full version of the PCP and more detailed information about how we handle complaints at www.bacp.co.uk/about-us/protecting-the-public/professional-conduct. If you would prefer a paper copy, please let us know.

Making a complaint

What types of complaints can you deal with?

We can deal with complaints that are about a therapeutic service provided to you by a BACP member. A therapeutic service includes counselling and psychotherapy.

Sometimes we can consider concerns that are not about a therapeutic service, for example if the therapist has been convicted of a crime.

You may have concerns about a member's conduct which aren't about a service. In this case we may bring a complaint ourselves under the PCP if it's in the interest of public protection.

We also have a separate procedure called Article 12.6. We might use this if we receive information that makes us question whether a member should continue in membership with us.

We can't look at complaints such as:

- complaints about individuals or organisations who weren't BACP members at the time of the events
- matters of a legal nature or claims for compensation

Who can make a complaint?

Under our PCP, you can make a complaint if you are:

- someone who received a therapeutic service from a BACP member (i.e. you were the client)

- someone representing a client, where the client has received a therapeutic service from a BACP member
- a parent or guardian representing a child under the age of 16, where the child has received a therapeutic service from a BACP member
- someone representing an adult who lacks mental capacity, where the adult has received a therapeutic service from a BACP member

Do I need consent to make a complaint on behalf of someone else?

In some cases, we may need the consent or agreement from the person who received the therapeutic service. For example, this would apply if you are:

- representing a client, where the client has received the service from a BACP member
- bringing a complaint on behalf of a young person

When can I make a complaint?

Over time, memories of events can become less clear and less reliable. Records and documents may have been destroyed or lost. This is why we set a time limit of three years from the date of the events you wish to complain about.

You can still send in a complaint that is over three years old if you give us reasons why it took longer. A panel will consider whether it's reasonable and in the public interest to consider the complaint. It will also consider the length of time that has passed.

If the person making the complaint was under the age of 16 when they received a service, the three years to send in the complaint will start from their 16th birthday.

It's for you to decide when you feel ready to send in a complaint, but it's better to send it in sooner rather than later.

Is there anything I need to do before I make a complaint?

If possible, you should contact the member you want to complain about to try to sort out the issue directly with them.

If you can't sort out the issue with them, send the complaint to us with details of how you tried to resolve it and why you couldn't.

Depending on the type of complaint, you may feel that it's not right for you to contact the member. Please say within your complaint why you felt this was not possible.

How do I make a complaint?

Send your complaint to us in writing, making sure that you sign and date it.

You can find a form that may help you to include all the necessary information at www.bacp.co.uk/about-us/protecting-the-public/professional-conduct.

Post your complaint to us at **BACP House, Unit 15, St. John's Business Park, Lutterworth, LE17 4HB**, or email it to Professional_Conduct@bacp.co.uk.

If you need help filling in the form, or if you have any problems in making your complaint in writing, please call us on 01455 883300.

Handling complaints

What happens to my complaint once I've sent it in?

We'll contact you when we receive your complaint. We'll check it's been put together in the right way and, if there's anything missing, we'll contact you to offer help. We'll also tell the member that a complaint has been made about them, and send them a copy.

A case manager will then assess your complaint using a threshold test. This will check if the complaint, if proved, would mean that the member failed to meet our professional standards. It also checks that the complaint is not vexatious or frivolous - i.e. made to cause annoyance and with no serious purpose or value.

If your complaint doesn't meet the test, we'll tell you why and close your complaint.

If your complaint does meet the test, we'll write to let you know. We may ask you and the member for further information.

How will you deal with my complaint?

There are different ways in which we can deal with your complaint, ranging from a letter of advice to a formal Professional Conduct Hearing.

Your complaint is important to us and we'll deal with it fairly and respectfully.

What is a letter of advice?

If a member accepts that they've failed to meet our professional standards, we'll send them a letter with advice on how they can improve their practice. We might do this if there's been a minor or technical breach of professional standards.

A letter of advice is not a formal disciplinary action, but it will be kept on the member's record for three years. We can take it into account if we receive any similar complaints within that time.

What if my complaint is more serious?

If your complaint is not suitable for a letter of advice, it will be sent to the Investigation and Assessment Committee (IAC), which is made up of three independent panel members.

The IAC's role is to assess the complaint and it may ask for more information. It can make the following decisions:

- deal with the complaint by means of consensual disposal
- suspend membership through an interim suspension order
- refer the complaint to a disciplinary hearing
- refer the complaint to a practice review hearing
- dismiss the complaint

What is consensual disposal?

Consensual disposal is an agreement between the member and BACP. We might use this if a member admits breaching professional standards and is willing to accept a sanction given to them by the IAC. We'll publish the agreement on our website.

Only the IAC can decide whether a complaint can be dealt with by a consensual disposal.

What is an interim suspension order?

Before a hearing, the IAC can decide to suspend a member from membership. This can be for up to 18 months. The IAC will do this if it considers it necessary for the protection of the public or it is in the public interest.

What is a disciplinary hearing?

Disciplinary hearings are where very serious allegations are considered. These are so serious that a member could have their BACP membership suspended or removed.

The IAC will decide whether to refer a case to a disciplinary hearing and will prepare formal allegations. These hearings will generally be held in private unless the panel hearing the case decides it should be public.

Cases heard under this procedure will always be presented to the panel by BACP. You'll be invited to attend the hearing as a witness and may be asked to give details of your complaint to the panel. The panel may also ask you and the member questions.

If the panel finds against the member, it can impose a range of sanctions, including suspension or withdrawal of BACP membership.

What is a practice review hearing?

If the IAC decides that a complaint is not suitable for a disciplinary hearing route, it can refer it to a practice review hearing.

This is a less formal hearing, suitable for resolving complaints that are more to do with the professional service you received from the member. It aims to achieve a result that is acceptable to both you and the member and gives you both an opportunity to be heard.

We hold these hearings in private which means members of the public can't attend.

At these hearings, the panel has the role of exploring the complaint. This means it's responsible for asking questions about the complaint. You and the member can suggest questions for the panel to ask if you want to, but you don't have to.

You keep ownership of your complaint, which means you can explain your complaint to the panel in your own words. This helps highlight the issues that matter to you.

You won't have to answer questions directly from the member. All questions will be asked by the panel which makes the process less stressful.

You can bring a friend, relative or representative to support you during the hearing. If you don't have anyone, you can ask us for a 'professional supporter' to come with you. They will provide emotional support throughout the hearing.

The aim of a practice review hearing is to recognise and correct practice that has fallen below professional standards. The panel can agree that the complaint is dealt with by consent if it becomes clear that's what you and the member want. The panel will give you time to talk about this and will consider any agreed proposal for resolution put forward by you and the member.

It may not always be possible to reach an agreed outcome. If poor service is proved, the panel can impose a range of sanctions on the member. However, it can't withdraw or suspend a member's BACP membership.

What happens if my complaint is dismissed?

The IAC may decide there's no case to answer. This means that your complaint won't be taken forward in any of the ways described above. The IAC will tell you its reasons for making this decision.

Decisions

Who makes the decision at a hearing?

Both disciplinary hearings and practice review hearings are heard by a Professional Conduct Panel. The panel is made up of three independent people, which will always

include a BACP member and a lay person. A 'lay' person is not a counsellor and has no connection to BACP.

The panel's role is to listen to the case, consider the evidence and make a decision about the complaint. It will ask questions to help it make its decision.

Can I appeal if I'm unhappy with a decision?

There's no right of review or appeal for you or the member if the complaint has been dealt with by a letter of advice or a consensual disposal.

However, decisions can be reconsidered, reviewed or appealed at the following stages within the Professional Conduct Procedure:

- **Case manager threshold test**

The Registrar may reconsider the case manager's decision to close the complaint. This happens if there's convincing new evidence that wasn't available at the time of the threshold test.

- **Investigation and Assessment Committee**

You can ask for a review of the IAC's decision if it decides to close a complaint.

- **Practice review hearing**

Both you and the member can appeal the decision of a practice review hearing.

- **Disciplinary hearing**

The member and BACP can appeal the decision of a disciplinary hearing. If you want us to appeal a decision, you need to tell us why you think there should be an appeal. We'll take this into account when deciding whether to appeal.

Who considers appeals?

If a review or appeal is requested, it will go to an independent reviewer (a reviewer independent of BACP). They'll decide whether the grounds of appeal have been met and whether an appeal can be considered by an appeal panel.

Will you publish details of the complaint?

If a complaint is upheld, partially upheld or has been resolved through consensual disposal, we'll publish the outcome on our website and in our journal, *Therapy Today*, unless there's a good reason not to.

We publish our professional conduct decisions to:

- provide information to the public to inform their decision when choosing a professional

- help our members understand the standards expected of them
- ensure that we are transparent and accountable for our decisions

We publish details of the member but your details will remain anonymous.

You can find more information on our publication policy at www.bacp.co.uk/aboutus/protecting-the-public/professional-conduct/professional-conduct-publication-policy

Support

How will you support me through my complaint?

We can offer support throughout your complaint, including:

- A member of our team can give you help and information about what to include in a complaint.
- If you need help in writing a complaint, please contact us on 01455 883300. We may be able to give support or signpost you to a service that can help.
- The person looking after your complaint can talk you through the process and what it involves. They can answer any questions about how we are dealing with your complaint and let you know about its progress.
- The Ask Kathleen Service can provide emotional support and signposting. You can find more information at www.bacp.co.uk/about-therapy/ask-kathleen.
- We'll consider requests for reasonable adjustments to help you take part in a hearing.
- We have guidance documents that explain each stage of the process in more detail. We can send you these as your complaint goes through the procedure.
- If your complaint progresses to a practice review hearing and you can't find someone to accompany you, we'll try to find someone to support you.

If you need more support, please contact us and we'll be happy to talk about it.