

BRITISH PSYCHODRAMA ASSOCIATION

COMPLAINTS PROCEDURE

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Introduction

The Complaints Procedure provides a comprehensive process for those wishing to express concern or complain formally against a BPA registrant who they feel is contravening the Code of Ethics and Practice.

The BPA invite complaints from clients contacting the BPA on their own behalf or from individuals and concerned parties expressing concern on behalf of others.

It is intended that the Complaints Procedure is read in conjunction with the Code of Ethics and Practice.

Section A - General Principles

The BPA will receive complaints against a Registered Member of the BPA who appears to be contravening the Code of Ethics and Practice. Anyone can bring a complaint, either on his or her own behalf or out of concern for another client.

A.1 Conciliation

The intention is that this procedure will be, wherever possible, conciliatory and constructive. It is not a quasi-legal process. It is not intended to be punitive, though the procedure does include the possible use of some sanctions, which should normally be viewed as a last resort.

A.2 Registrant complained against: rights and responsibilities

Registrants against whom a complaint is made have a responsibility to discuss the complaint with a supervisor and to inform their insurer. In any inquiry they have a right to have someone accompany them who can act as an advisor and who can provide support, but who is not an advocate.

A.3 Complainant: rights and responsibilities

Time Limits: Complaints should be brought to the attention of the PCC as soon as possible, in general within three years. Complainants have the right

to seek a supporter for the duration of the inquiry. In exceptional circumstances, the complainant can seek advice from the PCC to find a suitable supporter.

A.4 Complainant and registrant: rights and responsibilities

Both parties have a responsibility to follow these procedures. This includes provision of all documentation needed by the PCC to facilitate inquiries. Both parties have a right to seek legal and other professional advice. Other than in exceptional circumstance, both parties will be responsible for their own travel and other expenses.

A.5 The Professional Conduct Committee: rights and responsibilities

The PCC has the right to inquire about any complaint brought to their attention and it has a responsibility to do so impartially, following these procedures.

A.6 Appeals

At the completion of the inquiry process, both parties have the right to appeal under the Association's Appeal Procedure.

Section B - BPA Procedure for the Adjudication of Complaints

B.1 First stage

B.1.1 The complainant should try, if possible, to deal directly with the person(s) involved concerning the alleged breach of the Code of Ethics and Practice and attempt to clarify and settle the issue.

B.1.2 Failing the above, the complainant should attempt to settle the grievance in the presence of a third (or more) impartial individual(s).

B.1.3 Failing the above, the complainant should present their concern to the Chair of the PCC of the BPA, who will then provide information about the Complaints Procedure.

B. 2 Second stage

B.2.1 On receipt of an expression of concern, the Chair of the PCC will clarify with the complainant what steps have been taken to resolve the matter with the Registrant.

B.2.2 If appropriate, the Chair will advise the complainant that they have a responsibility to seek resolution and/or attempt mediation before a complaint will be accepted for inquiry by the PCC.

B.2.3 Complaints against trainees should initially be referred to their training organisation.

B.2.4 Complaints against training organisations should initially be dealt with under that organisation's complaints procedure.

B.2.5 When the PCC receives a complaint on behalf of someone else (a third party complaint) the Chair will write to the relevant Client to clarify if they wish to pursue the complaint on their own behalf. If they choose not to proceed on their own behalf, the third party still has the right to pursue their concern with the PCC, using their own material.

B. 3 Third Stage

B.3.1 If, after stages 1 and 2 have been followed, the matter has not been resolved the complainant should inform the chair of the Chair of the PCC who will send a copy of the Code of Ethics and Practice and Complaints Procedure to the complainant. The complaint should then complete and return a Complaints Form (see Appendix A to be sent during process).

The Form allows the Client to clarify:

- What they wish to complain about
- Which clauses of the Code of Ethics and Practice they believe the Registrant has broken
- What steps they have already taken to resolve their concern.

Completion also confirms the complainant understands:

- The PCC and the Registrant will need to view all relevant documentation as part of the inquiry
- The Registrant will receive copies of all documents received by the PCC
- All relevant documents received from the Registrant will be forwarded to the Complainant..

B. 4 Fourth Stage

This stage will be followed after the Chair of the PCC has received a complaint.

B.4.1 The Chair confirms receipt of the form to the Client and tells them the dates of PCC meetings. The Chair also recommends to the Client that they find suitable support to help them throughout the Complaints Procedure.

B.4.2 The Chair advises the Registrant that a complaint has been received by the PCC and forwards the Complaint Form and Complaints Procedure to them. The Chair informs them that they have a responsibility to notify their insurer and supervisor and also gives them the dates of PCC meeting. Further, the Chair recommends that they find a suitable person to support them throughout the Complaints process.

B.4.3 The Chair circulates the complaint form to all members of the PCC.

B.4.4 The Registrant is required to confirm receipt of the complaint, in writing, within 14 days. If this is not received, the Chair will seek other methods of contacting the Registrant.

B.4.5 The Registrant is required to respond to the complaint in writing within 3 months.

B.4.6 When the PCC has received the Registrant's response; the matter is heard at the next PCC meeting. At this meeting the committee considers all the information and will come to one of three outcomes:

B.4.6.1 the PCC decides that there is no case to answer, which falls within their remit.

B.4.6.2 the PCC decides that there is a case to answer, which falls within their remit.

B.4.6.3 the PCC decides that further information is required before a decision can be made.

B.4.7 If there is no case to answer, the Chair of the PCC writes to advise the Client and the Registrant simultaneously and the matter is closed.

B.4.8 If there is a case to answer; the Chair of the PCC informs both parties that a formal inquiry will follow.

B.4.9 If further information is required; the Chair of the PCC will seek clarification of any issues raised and state a suitable time scale within which the information should be provided. This information will be circulated to the PCC members, who will then vote on whether there is a case to answer or not. The Chair will then proceed as per 4.8 or 4.9 above, as appropriate.

B. 5 Fifth Stage

B.5.1 If there is a case to answer the PCC will appoint an Inquiry Panel and notify the Chair of the BPA. The panel will be made up of PCC members and/or co-opted others. PCC and co-opted members must declare any matters that they believe may lead to a conflict of interests prior to panel membership being confirmed. Should any PCC member be deemed to have a conflict of interest they will not be part of any further discussions or decision-making regarding the complaint.

B.5.2 Panel members will interview the Registrant and the Client independently based on areas of concerns identified by the PCC. All interviews will be recorded and the tapes transcribed for the purposes of accurate reporting. Where agreed panel members may also approach relevant parties who the PCC believe have information to aid their decision-making. The Inquiry Panel will make every attempt to view all relevant and original documents.

B.5.3 The Inquiry Panel will compile information and write a report for the PCC. This will include a range of options for the PCC to consider. This process should normally be completed within a six-month period.

B. 6 Sixth Stage

B.6.1 At least one member of the Inquiry Panel will present the report to the PCC. The PCC will deliberate and make a decision as to whether any or all parts of the complaint are upheld.

B.6.2 If the PCC decides there has been a breach of the code they must provide a report to the Executive. The report will not name the Registrant but will include:

B.6.2.1 details of the process of inquiry

B.6.2.2 findings

B.6.2.3 recommendations.

The Recommendation section must detail whether the outcome is that the Registrant should:

B.6.2.3a Receive a warning with or without a recommendation that the Registrant must seek supervision and/or therapy and/or training for a specified period

B.6.2.3b Be suspended from the register for a designated period prior to re-applying for re-registration

B.6.2.3c Be removed from the register.

B.6.3 The Chair of the BPA will liaise with the PCC and a letter will be sent to the Registrant to inform them of the decision. The letter will be based on the information gathered from the investigation and the judgement of the PCC following discussion of the case.

B.6.4 The Registrant has the right to appeal in writing within 3 months of receiving the letter from the PCC.

B.6.5 The outcome of the inquiry will only be reported once the appeal period has lapsed. Warnings will not be reported in the BPA newsletter or to the UKCP. Any suspension or removal from the register will be reported to: the UKCP, any other relevant professional organizations that the Registrant is a member of and in the BPA newsletter. All sanctions are intended to maintain safe practice however where the sanctions of suspension or deregistration are applied reporting outcomes contributes to protection of the public.

B.6.6 This stage should normally be concluded within 6 months. However, this period may be extended where there are extenuating circumstances. The Chair of the BPA will be notified should this be necessary.

B. 7 Appeal

B.7.1 The Appeal Procedure applies to a Registrant who has had a case upheld against them. The Registrant may appeal within 3 months of the receipt of the Executive Committee decision. This appeal should be made to the Chair of the BPA in writing. The Registrant complained against may appeal on the following grounds:

B.7.1. 1 There is new information that has come to light since the completion of the investigation.

B.7.1. 2 There was a significant procedural flaw, which may challenge the inquiry outcome.

B.7.1. 3 The Registrant considers the severity of the sanction to be excessive.

B.7.2 The Registrant writes to the Chair of the BPA detailing the grounds for their appeal.

B.7.3 The Chair of the BPA convenes an Appeal Panel and nominates the Chair. The members of the Appeal Panel include:

- A senior member of the BPA who has not been involved in the complaint procedure.
- Two senior practitioners from the HIPS section of the UKCP.

B.7.4 The Chair of the BPA notifies the Chair of the PCC that an appeal has been lodged and the Chair of the PCC forwards all documentation to the Chair of the Appeal Panel.

B.7.5 The Chair of the BPA informs the Registrant of the composition of the Appeal Panel.

B.7.6 The Appeal Panel will meet within 3 months. The panel will decide whether there are grounds for appeal and how to proceed. Where there are no grounds for appeal, the Chair of the Appeal Panel writes to the Registrant informing them that their appeal has not been upheld, copy to the Chairs of the BPA and the PCC.

B.7.7 Where the Appeal Panel agrees that grounds for an appeal exist, the Chair of the Appeal Panel convenes an appeal meeting. The Registrant must attend this meeting. A support person may accompany them, if they so wish.

B.7.8 The Appeal Panel may require further information from the PCC to help them reach a decision. The Chair of the PCC in written form can supply this. It may be supplemented by attendance at a panel meeting of the PCC Chair or their chosen representative.

B.7.9 The Appeal Panel reaches a decision, which they report in writing to the Chairs of the BPA and the PCC and the Registrant. The outcomes the Appeal Panel may reach are:

B.7.9. 1 Reject the appeal, confirming the previous decision and outcome.

B.7.9.2 Accept the decision but vary the sanction: that is, to increase or decrease the severity of the sanction.

B.7.9.3. Reject the outcome and order a new inquiry on the grounds that new information has been presented or there were significant procedural flaws, which may challenge the inquiry outcome.

B.7.9.4. In extreme circumstances, quash the outcome and rule out a new inquiry on the grounds that previous procedures were prejudicial to a fair inquiry.

B.7.10 Any new inquiry should take account of all information already gathered. The outcome of the new inquiry is submitted to the Appeal Panel for final adjudication, after which the Chairs of the PCC and the BPA and the Registrant will be informed in the usual way.

B.7.11 The PCC may write to the Complainant at the conclusion of the case to gather information on their experience of the complaint process in order to guide future investigations and with a view to clinical governance.