

bpa

British Psychodrama Association

BRITISH PSYCHODRAMA ASSOCIATION

Complaints Procedure

June 2013



Complaints Procedure (Revised May 2007, June 2013)

Introduction

The BPA is contracted to the UKCP Complaints and Conduct Process (CCP). As such, concerns and complaints against qualified Registrants will be subject to that procedure. Concerns and complaints against qualified Registrants should be submitted directly to the UKCP. Complainants can find information about this process on the UKCP website www.ukcp.org.uk and specifically:

<http://www.psychotherapy.org.uk/hres/Complaints%20process%20v4.pdf>

<http://www.psychotherapy.org.uk/hres/Complaints%20process%20therapists%20email.pdf>

Concerns and complaints against BPA registered trainees should initially be referred to their training organisation.

The BPA Complaints Procedure is applicable in the following circumstances:

- Where it is inappropriate for a concern or complaint against a trainee to be dealt with by the relevant Training School.
- Where the UKCP delegates the complaint to the BPA.

There may be circumstances where the PCC may make a recommendation to the Executive Committee of the BPA to invoke an interim suspension on the grounds of public interests prior to the full Complaints Procedure.

The Complaints Procedure is intended to be read in conjunction with the Code of Ethics and Practice.

Section A - General Principles

A.1 Conciliation

The intention is that this procedure will be, wherever possible, conciliatory and constructive. 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 BPA Registrants 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 and within three years of the conduct which forms the subject-matter of the concern or complaint. 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 consideration 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.

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 PCC who will send a copy of the Code of Ethics and Practice and Complaints Procedure to the complainant. The complainant should then complete and return a Complaints Form (see Appendix A).

B.3.2 The Form allows the Client to clarify:

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

In submitting the Complaints Form, the complainant understands:

- The PCC and the Registrant will need to view relevant documentation as part of the process.
- The Registrant will receive copies of relevant documents received by the PCC.
- 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 Procedure.

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 twenty one days.

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

B.4.6 When the PCC has received the Registrant's response, the matter is discussed by the PCC at their next 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 4.7 or 4.8 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 interest 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 may be recorded and the recordings may be 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 The PCC will deliberate the contents of the report 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 of Ethics and Practice they must provide a report to the Executive Committee. 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. The PCC may require a report from the supervisor/therapist/trainer. Any costs incurred will be the responsibility of the Registrant.

B.6.2.3b Be suspended from the Register for a designated period prior to applying for restoration of registration.

B.6.2.3c Be removed from the Register with or without a recommendation.

B.6.2.3d Be subjected to other sanctions as appropriate.

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 three months of receiving the letter from the BPA.

B.6.5 Where the outcome of the inquiry results in a suspension or removal from the register, it will be reported to the UKCP; any other relevant professional organisations that the BPA is aware that the Registrant is a member of; and to the membership of the BPA once the appeal process has been concluded.

B.6.6 This sixth stage should normally be concluded within six 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 three months of the receipt of the Executive Committee's decision. This appeal should be made in writing to the Chair of the BPA. 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 Either party may appeal against a decision imposing a sanction on the ground that it is either unduly lenient or unduly severe.

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. 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 HIPC 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 convene within three 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. Any such information will be supplied in written form. The Appeal Panel may invite a member of the PCC to attend an Appeal Panel meeting.

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. 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 into account all information already gathered. The outcome of the new inquiry is submitted to the Appeal Panel for final adjudication. Following this the Chair of the PCC, the Chair of the BPA and the Registrant will be notified.

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.

Appendix A: BPA Complaints Form (please complete all sections clearly).	
Complainants Name	
Complainants Contact Address	
Complainants Telephone Number	
Complainants Email Address (if available)	
Registrants Name	
Brief statement detailing events complained about	
Please identify which clauses of the Code of Ethics and Practice you think the Registrant has breached (e.g. 1.1. add details).	
Please outline what steps you have taken to resolve your concern (please ensure you include details that confirm the steps you have taken to deal with matters as outlined in stages 1 and 2).	

I **(insert name)** understand that:

- the PCC and the Registrant will need to view relevant documentation as part of the Complaints Procedure.
- the Registrant will receive copies of relevant documents received by the PCC
- Relevant documents received from the Registrant will be forwarded to the Complainant

Signed

Date