

Your

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

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Introduction

- ‡ 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. If of a young person

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.

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.

- ‡ 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.