

## **Wealden College**

### **Complaints and Grievances Procedure**

**Please note that Wealden College is the name of the training branch of Wealden Psychology Institute.**

#### 1. Introduction

- 1.1.1 The aim of this procedure is to provide a means of examining a complaint about an alleged breach of the College's Code(s) of Ethics by a Member of Wealden College.
- 1.2 This procedure should be read in conjunction with the relevant Code(s) of Ethics.
- 1.3 In every case of a formal complaint we will ensure that a person external to the college is involved in the process.

#### 2. Confidentiality

Confidentiality is to be observed by both parties to a complaint from the outset in respect to any confidential matter involved in the complaint. Both parties will be advised of this.

#### 3. The Submission

- 3.1 Complaints should be made as near as possible to the time of origin. Complaints concerning events that occurred more than two years prior to the first contact with the Director will not normally be heard.
- 3.2 Save in exceptional circumstances, complaints will only be accepted from a user of a Member's services in their role as counsellor, psychotherapist, trainer or supervisor. Where a case of alleged gross professional misconduct and/or serious criminal offence is either self-reported, or reported by another professional organisation to the Principal, then the Complaints procedure will normally be used to deal with this from Clause 6 onwards.
- 3.3 The Member complained against must have been a Member of Wealden College at the time of the alleged breach in the Code(s) of Ethics.

- 3.4 Complaints concerning legal, statutory or commercial contractual matters are not within the remit of the Director.
- 3.5 Wealden College may seek legal advice concerning a complaint. The Director reserves the right to suspend proceedings from Clause 6 onwards while any civil or legal proceedings are threatened, seem likely or are in train.
- 3.6 Wealden College will not be responsible for any expenses incurred by either party involved in a complaint.

#### 4. Clarification and Mediation

- 4.1 Prior to the submission of a formal written complaint discussions will take place with a Consultant to provide clarification or mediation may take place with a Mediator to resolve the matter informally. Some attempt at 'fixing it' should have been made between parties concerned. If this is followed by a formal written complaint then the complaint should be made within 60 days following closure of this stage of the procedure.
- 4.2 Any person appointed as a Consultant or Mediator at this stage of the procedure will be excluded from appointment as an Investigator and membership of the Adjudication Panel.

#### 5. Acceptance of a formal written complaint

- 5.1 Complaints should be in writing and addressed the Director, marked "Private and Confidential", and sent to Wealden College office. Written acknowledgement will be sent out within two weeks of receipt, outside usual holiday periods.
- 5.2 The complaint should include reference to specific section(s) in the relevant Code(s) of Ethics alleged to have been breached. The complaint must be accompanied by a clear statement of the behaviour complained of, and include a clear account of the relevant facts and substantiating evidence.
- 5.3 On receipt of a formal written complaint the Director will consider it with colleagues.

This will normally be within six weeks. If it is decided that there is no case to answer, the complainant will be informed of this in writing within 14 working days.

- 5.4 Prior to making a final ruling under these procedures that there is no case to answer or that the matter is not within the remit of the Director, the Director will indicate, either by a meeting or in writing, to the parties concerned that he is considering making such a ruling and will consider any representations made prior to making such a ruling.
- 5.5 If the Director finds that there may be a case to answer, both the complainant and the Member complained against will be notified in writing.

## 6. Investigation

The Director may, in some circumstances and prior to the Adjudication, appoint one or more persons to investigate the matter. The Staff team will set the terms of reference for that person or persons.

## 7. Adjudication

- 7.1 Unless the Director is satisfied that the complaint does not justify formal adjudication then the Director will appoint a Professional Matters Panel of two or more persons. This panel may comprise External Consultant(s) and/or senior Member(s) of Wealden College.
- 7.2 The complainant and the Member complained against shall have the right to be present during the meeting of the Panel. If the complainant fails to attend when asked to do so, without reasonable cause, then the complaint may be treated as withdrawn. If the Member complained against fails to attend when asked to do so, without reasonable cause, then they may be liable to expulsion from Wealden College.
- 7.4 If either part wishes to appeal, this must be made, in writing to the Director within four weeks of notification of findings.
- 7.5 The party making the appeal will be asked to demonstrate 'good cause' and submit information which would support their appeal.
- 7.6 An appeal may be heard on the following grounds:

- a. new evidence has come to light which may affect the substantive conclusions and/or recommendations in the findings of the Adjudication Panel.
- b. procedure, as outlined in this document, was not properly followed.
- c. Members may appeal against the recommended sanctions.

7.7 The Director will convene an Appeals Panel of three senior colleagues who have had no prior involvement in the case, this will include the Director of Wealden Psychology Institute.

7.8 The Appeals Panel will meet to consider the appeal on the oral and/or written evidence presented to them.

7.9 Any Member of Wealden College complained against in relation to the practice of psychotherapy and any complainant may appeal to the HIPS Section of UKCP on grounds of procedure within 28 days of receiving the report of the final outcome. BACP members are advised to contact BACP to be informed of BACP policy regarding complaints.

## 8. Notification to UKCP and BACP

The names of Members who have had their membership of Wealden College suspended or terminated will be reported to the UKCP Registration Board and/or to BACP within 28 days. Other relevant professional organisations may also be notified. In such cases the outcome may be published in relevant professional journals. The complainants name will not be published.

## 9 Removal of sanctions

9.1 Members who have had their membership suspended or terminated may apply to the Principal for restoration of membership of Wealden College not less than 12 months following the date on which such a sanction was imposed.

9.2 Names of those restored to membership of Wealden College will be reported to the UKCP Registration Board and/or BACP Membership Secretary within 28 days. Other relevant professional organisations may also be notified.

## 10. Professional Misconduct

Members should be aware that professional practice which falls short of the standards expected of a practitioner, violations of ethical conduct that brings the professions of psychotherapy and/or counselling into disrepute constitute professional misconduct. Members whose behaviours is found by a Professional Practices Panel to constitute gross professional misconduct may be liable to have their membership of Wealden College suspended or terminated. Behaviour which may result in termination of membership includes a) exploitation of a client, supervisee or trainee e.g. sexual relationship with a client. b) repeated breaches in the Code(s) of Ethics or expected standards, despite warnings. c) malicious behaviour e.g. continuous harassment of individuals or organisations.

In cases of alleged gross professional misconduct a member may have their membership of Wealden College suspended when the matter is brought to the attention of the Principal, pending the outcome of the professional practices hearing.

### 13. Time

This procedure will normally take no longer than nine months from receipt of a formal complaint.

### 14.

If the Member complained against does not renew their membership of Wealden College while a complaint is pending or in process then the Panel may either complete the consideration of the panel or terminate the hearing. The Director will be informed and will need to be consulted should the ex-Member wish to rejoin the College. Other professional bodies of which the Member claimed against is a Member will be informed that there is a complaint outstanding. The complaint may then be taken up in the event of resumption of membership.

The complainant and the Member complained against each have the right to nominate an advisor. The advisors may attend the adjudication. The Professional Matters Panel have the right to invite a legal advisor to be present at the hearing to advise them.

Following the hearing the Professional Matters Panel will make a written report of its findings. The report may include the recommendations of the Panel. Copies of the report will be sent to both parties to the complaint and to the Principal although there

may be separate reports where determined by the needs of confidentiality.

The Director will consider the report of the Professional Matters Panel, and will then recommend to the staff team what course of action should be taken.

#### 15. Sanctions

One or more of the following courses of action may be taken should a complaint be upheld:

- a) an apology be given to the complainant by the Member concerned.
- b) the Member be required to give an undertaking that they cease to practice in a particular manner and/or cease to work with particular clients, trainees or other types of person.
- c) the Member be required to undertake therapy, and/or supervision, and/or further training at the member's cost.
- d) an informal warning
- e) a formal warning indicating that further breaches in the Code(s) of Ethics and Professional Practice may lead to suspension or removal from Wealden College membership.
- f) suspension from membership of Wealden College for a time period not exceeding two years, or removal from membership of Wealden College. This would include suspension or removal from any post held in Wealden College.