



Complaints Procedure

1. Introduction

1.1. This procedure covers:

- Complaints against the Parent Infant Centre (i.e. the Parent Infant Clinic or the School of Infant Mental Health), this includes:
 - Complaints against the Centre by a staff member, therapist or trainee associated with the Centre.
 - Complaints against the Centre by any other person.
- Complaints against any therapist or trainee who is delivering a clinical service on behalf of the Parent Infant Clinic or School of Infant Mental Health, and who is not covered by another complaints procedure which has priority.¹

2. Definitions

2.1. For the purposes of this procedure,

- 'Therapist' includes anyone who is delivering a clinical service on behalf of the Parent Infant Clinic or School of Infant Mental Health. This includes, but is not limited to, psychotherapists, physiotherapists, speech therapists, trainees and sessional workers - whether paid or voluntary.
- 'Respondent' refers to:
 - The Director, if the complaint is against the Centre, or
 - The therapist, if the complaint is against a particular therapist/s.

3. Submission of a complaint

3.1. Any individual who feels that they have reason to complain against the Centre or one of the Centre's therapists may do so in writing (including email) to the Chair of the Ethics Committee.

3.2. The individual raising concerns needs to:

- Identify the part of the Centre or the therapist concerned;
- Provide a detailed description of the complaint;
- Provide their contact details including address, telephone numbers and/or email address.

¹ In most cases there is a requirement that complaints against therapists are dealt with by the complaints procedures of their registering bodies. These would include the UKCP and the BPC. This current procedure, then, only applies to therapists who are not registered with a body that requires this. However, a complaint by one of these bodies that is upheld may lead the Centre to conduct a fitness to practice enquiry.

- 3.3. A complaint will be considered only if it is lodged within three years of the alleged issue or misdemeanour. The only exception to this time limit will be in cases of alleged serious misconduct of a potentially criminal nature, for which the only applicable time limit shall be that established under the United Kingdom justice system.

4. Initial procedure

- 4.1. All complaints are processed and handled by the Chair of the Ethics Committee. If the complaint is against the Centre, then the Director stands down from the Ethics Committee throughout the consideration of the complaint and the layperson member takes over as Chair.
- 4.2. The respondent will be notified in writing of the complaint within two weeks of receipt of the complaint.
- 4.3. Within a further two weeks the Chair of the Ethics Committee will instruct a Complaint Investigator to examine the complaint.

5. Complaint investigator

- 5.1. The Complaint Investigator will be a senior therapist from the Centre whose position in this process will be to independently collate all of the facts, details and information surrounding the complaint.
- 5.2. The Complaint Investigator can meet, correspond with in writing (including email) and telephone both the complainant and the respondent.
- 5.3. The Complaint Investigator can request documentation from any relevant party, including the therapist's supervisor.
- 5.4. Once the Complaint Investigator is satisfied that they have all the relevant information, they will produce a report about the complaint, identifying any possible breaches of the Centre's Codes.
- 5.5. The Complaint Investigator submits this report to the Chair of the Ethics Committee within one calendar month from the date of receiving instructions.

6. Complaints procedure - determination stage

- 6.1. The Chair of the Ethics Committee and two other senior therapists examine the report of the Complaint Investigator in order to determine whether or not there is a case to answer by the Centre or therapist. The decision reached shall be deemed conclusive and final.
- 6.2. If the Centre or therapist does not have a case to answer, then the Chair of the Ethics Committee notifies the complainant and the respondent of this outcome in writing.
- 6.3. If the Centre or therapist does have a case to answer, then the Chair of the Ethics Committee will determine which of the following categories the complaint falls within:
 - a) Organisational failure.

- b) Incompetence or negligence involving clinical matters.
 - c) Malpractice or if the matter complained about is of such a serious nature that the therapists' fitness to practice is questioned.
- 6.4. In the case of a complaint falling under Clause 6.2.a) or b), the Chair of the Ethics Committee shall consider whether or not Dispute Resolution by a suitably experienced or qualified person should be recommended. This would only be undertaken with the agreement of both the complainant and the respondent.
- 6.5. In other cases the Chair of the Ethics Committee shall consider convening a Complaints Panel.
- 6.6. The Chair of the Ethics Committee can also recommend to the Director any resulting practice requirements of the therapist, including that they suspend or cease their practice for the Centre.

7. Dispute Resolution

- 7.1. Dispute Resolution may include but is not limited to mediation, facilitated conversations and negotiation.
- 7.2. If either the complainant or respondent does not agree to Dispute Resolution as a suitable approach, then the complaint will be dealt with through the Complaints Panel Process outlined in Section 8 of this document.
- 7.3. The Chair of the Ethics Committee can appoint any suitably experienced or qualified mediator for the purposes of Dispute Resolution (the Mediator). The Mediator must not be known to either of the parties.
- 7.4. The Chair of the Ethics Committee will provide the Mediator with a copy of the report from the Complaint Investigator and any other statements or pertinent information once instruction to act in this position has been agreed.
- 7.5. The Mediator conducts the resolution process in such a manner as he or she determines appropriate in order to facilitate a timely settlement of the dispute. All discussions within the resolution process are in confidence.
- 7.6. The role of the Mediator is to assist the parties to reach a facilitated agreement to their dispute.
- 7.7. An accurate record of the Dispute Resolution Process should be kept by the Mediator. These records remain confidential and are not used for any further function in the Complaint Process.
- 7.8. The Mediator informs the Chair of the Ethics Committee in writing of the outcome of the mediation.
- 7.9. The Chair of the Ethics Committee can recommend to the Director any resulting practice requirements of the therapist or sanctions, including that they suspend or cease their practise for the Centre

7.10. If the mediation is unsuccessful, then Chair may appoint a Complaints Panel if the complainant wishes this.

8. Complaints Panel

- 8.1. The Chair of the Ethics Committee will appoint a Complaints Panel if other means of resolution are not suitable or have not been successful. The Complaints Panel shall be composed of three members: a senior Centre therapist, an independent qualified psychoanalytic therapist who is not a Centre therapist and a lay person.
- 8.2. Members of the Panel have a duty to declare any interest which may cast doubt upon their impartiality. The Chair will take into account the views of the complainant and the respondent when deciding whether or not any member of the Panel should be replaced.
- 8.3. The Complaints Panel shall elect a Chair from their number prior to the date of the panel sitting. In the event that no agreement can be reached about this, then the Chair of the Ethics Committee shall nominate one of the Panel as Chair.
- 8.4. Also present will be:
 - a) The Complaint Investigator, to answer questions.
 - b) A note taker, appointed by the Chair of the Panel.
- 8.5. Copies of all relevant documentation relating to the complaint including the report of the Complaint Investigator will be forwarded to the Panel members by the Chair of the Ethics Committee.
- 8.6. After considering the complaint documentation, the Complaints Panel members can request that the Complaint Investigator obtain further clarification or information.
- 8.7. The Complaints Panel Chair in consultation with the Chair of the Ethics Committee shall determine the place, date and time that the complaint will be considered. The Chair of the Ethics Committee will give at least 21 days' notice in writing to the complainant and respondent of the details of the Complaint Panel sitting.
- 8.8. Any request for postponement of the sitting date, by either the complainant or the therapist, needs to be communicated to the Chair of the Ethics Committee in writing, citing the precise grounds and, if necessary, providing evidence for the postponement request. The Chair of the Ethics Committee shall inform the members of the Complaints Panel of the request. The Panel Chair will consult with the Panel and then notify the Chair of the Ethics Committee whether or not the request has been approved.
- 8.9. The Chair of the Ethics Committee can pay any reasonable expenses of the Complaints Panel.

9. Panel hearing

- 9.1. The Complaints Panel shall in no way be construed as a judicial hearing. The complainant and respondent have the right to attend any sitting and can be accompanied by a friend or supporter, who can act as observers only and are not permitted to act in a legal capacity.
- 9.2. The Complaints Panel sitting shall be conducted as far as is possible in a non-adversarial manner with the sole purpose of assessing whether or not the alleged complaint is upheld and, if so, to recommend any further action, including practice recommendations or sanctions.
- 9.3. It is recognised that whilst it is important that the complainant can attend the Complaints Panel, some individuals may find this experience overwhelming. The Complaints Panel will view any request to be excused attendance sympathetically. Under such circumstances the complainant may submit a final statement which will be read and considered by the Complaints Panel.
- 9.4. In the event that, for whatever reason, the complainant or respondent chooses not to attend the Complaints Panel sitting, then the Complaints Panel has the power to proceed in their absence.
- 9.5. The Complaints Panel can request the attendance of any witness if they require further information.
- 9.6. Procedure of the sitting:
 - a) The Complaints Panel Chair reads out the details of the alleged complaint.
 - b) The complainant can address the Complaints Panel or have a statement read out.
 - c) The respondent has the right to respond or to have a statement read out.
 - d) The Complaints Panel members may ask any questions of all parties involved, the Complaint Investigator and any witnesses.
 - e) The complainant and then the respondent may make a final address to the Complaints Panel.
 - f) The Complaints Panel members may ask for any clarification of any point arising from the sitting.
 - g) The Complaints Panel then retires to consider the submissions. Decisions of the Complaints Panel shall be taken by a simple majority, no Complaints Panel member may abstain from voting.
- 9.7. The Panel Chair notifies the Chair of the Ethics Committee as soon as possible in writing of their decision as to whether or not the complaint is upheld, how this decision was reached, and how they

recommend proceeding, along with any organisational or practice requirements or sanctions.

- 9.8. The Chair of the Ethics Committee informs both the complainant and the respondent in writing of the Panel decision, no later than 7 days after the sitting.
- 9.9. Those taking part in the Complaints Panel must act in a manner that does not breach confidentiality and does not prejudice or improperly influence the outcome of the Panel. In the event of any such breach, proceedings may be halted by the Chair of the Complaint Panel and recommenced or adapted as they judge to be fair and appropriate.

10. Sanctions

- 10.1. The Chair of the Ethics Committee notifies the Director of any recommendation from the Panel regarding an organisational or practice requirement or sanction. The final decision regarding these rests with the Director.
- 10.2. In some cases there may need to be an immediate imposition of a practice sanction or requirement, for example, where there are concerns about the therapist's fitness to practise. Otherwise the implementation of any sanction or requirement shall be delayed until the appeal period has either expired or alternatively the appeal has been heard.
- 10.3. Organisational requirements may include changes to policies or procedures. These need to be considered within the Centre's management arrangements.
- 10.4. Practice requirements and sanctions include, but are not limited to:
 - a) The therapist consulting with a senior Centre therapist in order to reflect upon learning from the complaint;
 - b) Referral for further training, consultation or continuing professional development in areas identified from the complaint;
 - c) The therapist undertaking other work for the Centre or ceasing to work for the Centre altogether.
- 10.5. In the case of a) or b) above, the recommendation from the Panel must include a timeframe within which the recommendation must be carried out. At the end of this time the therapist must provide evidence to the Director that this requirement has been satisfactorily carried out. In the absence of this evidence the Director can invoke 10.4.c.
- 10.6. In cases where the matter complained about involves the breaking of a law or serious malpractice, the Director should consider reporting the outcome of the complaint to the police and/or the therapist's professional body.

11. Appeals

- 11.1. Both the complainant and the respondent can appeal against the Complaints Panel decision provided that the appeal is submitted in writing citing the detailed grounds for the appeal to the Chair of the Executive Committee within 14 days of receipt of notification of decision. The therapist can also appeal against any sanction or recommendation.
- 11.2. The only grounds for an appeal are:
- a) The procedure set out in this document was not adhered to in a way which brings the Panel's decision into doubt.
 - b) The Complaints Panel failed in its duty to properly assess and evaluate the submissions laid before them.
 - c) Subsequent evidence has emerged that brings the decision into doubt.
 - d) Any requirement or sanction imposed is disproportionate to the circumstances surrounding the complaint.
- 11.3. Appeals are considered by a panel appointed by the Ethics Chair and consisting of an independent qualified psychoanalytic therapist and two senior Centre therapists, all of whom hitherto have not been involved in the complaint. The Appeal Panel shall consider the appeal within 28 days subsequent to the date of the appeal being lodged.
- 11.4. The Appeal Panel considers the matter on the basis of the written submission from the appellant, along with the papers provided to the original Complaints Panel and the notes taken by the Note Taker to the original Complaints Panel.
- 11.5. The outcome of the appeal should be one of the following:
- a) The original finding and requirements or sanctions are upheld;
 - b) The original finding is upheld, but the requirements or sanctions are varied;
 - c) Neither the original finding nor the requirements or sanctions are upheld.
- 11.6. The decision of the Appeal Panel shall be taken by a simple majority. No Appeal Panel member may abstain from voting.
- 11.7. The Appeal Panel informs the Director of their decision in writing. Thereafter the Director will promptly inform the parties involved of the outcome in writing.
- 11.8. The findings of the Appeal Panel are conclusive and final; there is no further right of appeal under this procedure.
- 11.9. The Director can pay any expenses relating to the appeal, including allowances and expenses of the Panel members.