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# Complaints Procedures Governing Members

British Association for Behavioural & Cognitive Psychotherapies



## **1 Making a complaint**

- 1.1 BABCP takes complaints made about its members very seriously and provides this Complaints Procedure as a way of protecting the general public and maintaining high standards of service delivered by its members. They are produced as required by Article 6 of the BABCP Articles of Association. If anyone considers that a member of BABCP has acted in breach of the BABCP Standards of Conduct, Performance and Ethics (the Standards), that person should provide the Company Secretary of BABCP with signed and dated correspondence outlining the nature of the complaint together with any relevant supporting evidence. Where it is not be possible for a person to put a complaint in writing BABCP will make reasonable attempts to accommodate this wish, such as making verbal contact with the person and taking a statement by phone and sending it to them to check, sign and return.

## **2 What happens next?**

- 2.1 The Company Secretary will send this correspondence, together with any other relevant information concerning the member held on file, to the Chair of Conduct Committee. The Chair and one other member of the Conduct Committee will, in the first instance, consider whether the allegation may appear to breach any of the Standards and so if an investigation should follow. This first step is necessary in order to identify matters which fall outside the scope of the Standards of Conduct, Performance and Ethics, or to identify complaints which are clearly unfounded.
- 2.2 At this preliminary stage it may be that the matter being raised is one which can be dealt with by asking the member to engage informally with the complainant in resolving the complaint. It is important where possible to provide satisfaction to the complainant by getting the member to engage with them. For example, if there has been an unintended slight of which the member is unaware, then what may be needed is to draw this to the member's attention and for an apology to be issued. On other occasions it may be there is a dispute over a fee which is easily resolved by discussion.
- 2.3 We will endeavour to complete this preliminary stage within 28 days of the complaint being received in the office.

- 2.4 Where the complaint merits further investigation the Chair of the Conduct Committee will ascertain whether the member is also responsible to a primary regulating body or a significant employer. This is necessary because BABCP is an organisation where membership is voluntary. Even when a member is a BABCP accredited CBT practitioner, to be sanctioned by the Association, or even to be removed from membership, may not necessarily prevent the therapist from practicing. For professional groups, such as nursing, applied psychology, medicine and various therapies, there are primary regulating bodies including the Health and Care Professions Council, the Nursing and Midwifery Council, and the General Medical Council. If the member is regulated by one of these bodies then that should be the first recourse for any complaint, and BABCP will advise the complainant to make their complaint to the appropriate body first. BABCP office will ask the relevant body and the complainant to keep them informed of any outcome. A complainant may be referred to a significant employer because the employer will have both the resource and procedures in place to undertake an investigation, and also have access to information which BABCP does not, but which would likely impact the possibility of reaching an informed and balanced outcome. A significant employer is defined as an organisation that holds a contract of employment with the member, has a complaints procedure already in place and is responsible for a significant number of employees such as in the NHS.
- 2.5 Once the primary regulator or significant employer has considered the matter and reached a conclusion, then BABCP will take this into account in its own consideration of the complaint. If the regulator or employer exonerates our member, the Standards Committee may still consider whether the member has breached the BABCP Standards of Conduct, Performance and Ethics. If the regulator or employer sanctions or removes our member, this will be taken into account in determining whether the member should also be sanctioned or removed by the Association.
- 2.6 Where a complainant institutes civil or criminal proceedings against a member the Conduct Committee will wait until those proceedings have drawn to a conclusion. Once the outcome of those civil or criminal proceedings is known the Conduct Committee will take the outcome of these proceedings into account.

### **3 BABCP Process**

- 3.1 Where there is no primary regulating body, or once the outcome of an investigation by such a body is known, or when the outcomes of any civil or criminal proceedings are known, BABCP expects the member to provide the Association with details of the findings of that primary regulating body or civil or criminal proceedings.

- 3.2 All correspondence will be sent to the member by registered post to the correspondence address as detailed on their membership file, requiring them to provide a response within a time frame of 28 days from the date of that request.
- 3.3 Once this response has been received it may form the basis of further inquiry with the complainant who will be asked to make further relevant observations within a further 28 days. It may be they disagree with the factual basis of the member's account, or have further clarification to give.
- 3.4 The Conduct Committee will endeavour to gain sufficient information to make a decision on the outcome of the complaint, by considering the :

- Complaint
- Member's Response
- Complainants response
- Member's response

Where the Conduct Committee is not satisfied that a decision can be made from this process it will move proceedings to an investigative panel. This panel will consist of three people, at least one of which will be a member of the Conduct Committee, where further investigation may include interviewing the member, complainant or other third parties, validating evidence or seeking further evidence. The findings of this panel will be presented to the member.

Wherever possible this panel will reach its conclusion within 42 days. The member will have a period of 28 days to reply. Where the member wishes to contest these findings, a hearing may be called by the Chair of the Conduct Committee in order to help draw the procedures to conclusion.

- 3.5 The Conduct Committee will then consider the case. It may meet by teleconference, face to face or use methods such as e-mail exchange where confidentiality of information can be assured. The Committee will discuss the case and determine the appropriate course of action to take on behalf of BABCP or will recommend action to the Board. This may include any of the following:

3.5.1 No action should be taken against the member, there being no case to answer.

3.5.2 The member receives a written warning informing them that their conduct has fallen below the standards expected and they are subsequently required to take remedial action. This remedial action may take a number of forms depending on the case, but might involve receiving appropriate clinical or managerial supervision. Here, the member will be required to report to BABCP that appropriate remedial action has been taken as directed.

- 3.5.3 The member may be suspended from membership of BABCP for a period of time. Once the period of suspension has been served the member will be automatically readmitted without the need for any re-application for membership but will have forgone the proportion of their membership fee covering this period of suspension.
- 3.5.4 The member may be expelled from BABCP for a stated period of time. Over the period of expulsion the member will forgo any membership fee paid to cover that period. Once the period of expulsion has lapsed a fresh application will be necessary before membership is granted again. Here, evidence of remedial action may be stated as a condition before reinstatement.

A member will not be expelled from membership without the explicit agreement of the Board of BABCP. Where this is a recommendation by the Conduct Committee, anonymised case notes and minutes from hearings will be provided for the Board so the facts previously available to the Conduct Committee can be considered before any expulsion is sanctioned.

- 3.5.5 For the most serious breaches, the member may be recommended for permanent expulsion from BABCP membership. As per 3.5.4, a member will not be expelled from membership without the sanction of the Board of BABCP.
- 3.5.6 Where the Conduct Committee believes that a sanction should include suspension or withdrawal of accreditation, there will be referral to the Chair of the Accreditation and Registration Committee by the Chair of the Conduct Committee to agree that the recommended level of sanction is appropriate or needs amendment. Where accredited status is to be amended as the result of a sanction the Chair of the Accreditation and Registration Committee will be asked to administer this once the period for making an appeal has passed.

In the case of an Accredited member having their accredited status suspended or withdrawn, or where they may have their membership suspended or withdrawn, BABCP takes seriously its obligation to inform other relevant organisations, for example medical insurance providers who use CBT Register UK.

## **4 Appeals**

- 4.1 Any complainant or member may appeal within 28 days of the date of the correspondence informing them of the investigation outcome. Appeals lodged outside this 28 day deadline will only be considered where additional information or evidence is made available to BABCP via submission to the Company Secretary, as outlined in 1.1, where this was not available at the time a decision was made previously by the Conduct Committee and where it is considered this new information may have influenced that decision. Appeals may also be considered if it is alleged that the procedure laid down in this document has not been duly followed.

When an appeal is lodged it will be directly forwarded to the President or their nominee for consideration regarding the grounds for appeal. Appeals are granted by the President, or his or her nominee, and one other Board member as decided by the Board. Where it is decided that an appeal will be granted due to previously unavailable evidence or misapplication of procedures as laid down in this document, the case will be redirected to the Conduct Committee for further consideration. Where an appeal is otherwise granted, it will be presided over by up to three Board members who have had no prior involvement in the investigation and have no conflict of interest in doing so. It is expected the President, or his/her nominee, will chair this Appeals Committee. Due to the make-up of the Appeals Committee, it is expected it will determine its own procedures but will return a decision less than 56 days from when it is agreed that there are grounds for that appeal.

- 4.2 Where the Board is to discuss the potential expulsion of a member, three members of the Board are to be excused, one of whom will be the Honorary Secretary or their nominee, and will take no part in these deliberations in case they are to become involved in Appeal proceedings. Here, an appeal may be granted on grounds as in 4.1 and conducted similarly within the same timescales. The Board can, if expulsion is considered too harsh, redirect the case back to the Conduct Committee for further consideration with the recommendation of a reduced punishment.
- 4.3 Any decision made by an Appeals Committee is final.
- 4.4 Any sanction brought against a member will be noted on their record for a timed period as decided by the relevant decision making body.
- 4.5 BABCP reserve the right to publish the names of members who have been suspended or expelled from membership together with a brief description of the grounds for the supervision or expulsion.

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