

COMPLAINTS AND DISCIPLINARY PROCEDURE

Complaints

- 1.1 If any person considers that a member of the Association has acted in breach of the Guidelines for Good Practice of Behavioural and Cognitive Psychotherapy or for any other reason ought not to be a member of the Association, that person should write to the Secretary of the Association.
- 1.2 The letter should identify the member against whom the allegation is made and contain as full an account of the relevant facts as is possible.

2 Appointment of Complaints Sub-committee and Disciplinary Sub-Committee

- 2.1 The Committee shall appoint a Complaints Sub-Committee and a Disciplinary Sub-Committee in order to consider allegations of misconduct or unfitness for membership and to determine whether a member should be subjected to disciplinary action in accordance with the Constitution.
- 2.2 The Complaints Sub-Committee shall consist of not less than five members, all of whom shall be members of the Association.
- 2.3 The Disciplinary Sub-Committee shall consist of at least seven members the majority of whom shall not be involved in the theory or practice of behavioural or cognitive psychotherapies (“lay members”). No person who is a member of the Complaints Sub-Committee may, at the same time, be a member of the Disciplinary Sub-Committee.
- 2.4 The Committee shall appoint one or more persons to serve as Clerks to the respective Sub-Committee. The Committee shall also appoint a Chairperson and a Vice Chairperson of the respective Sub-Committees and, in the case of the Disciplinary Sub-Committee, such appointments shall be of lay members.

3 Investigations

- 3.1 The Complaints Sub-Committee shall consider all complaints against members brought to its attention by the Secretary of the Association and sit as a quorum of three members.
- 3.2 The Complaints Sub-Committee shall normally invite the member who is made the subject of the allegation to submit whatever written observations on the allegation that the member considers appropriate. Having considered the matter the Complaints Sub-Committee shall either recommend to the Chairperson of the Disciplinary Sub-Committee that further investigation of the allegation is not justified or it shall appoint a Complaints Panel to carry out further investigation of the allegation.

- 3.3 The Complaints Panel appointed pursuant to clause 3.2 shall consist of at least three members of the Association who are considered by the Complaints Sub-Committee to have special expertise relating to the matter under investigation. The Complaints Panel may appoint advisors to assist it in its duties.
- 3.4 The Complaints Panel shall carry out what investigation it considers necessary. The subject matter of the complaint will be given the opportunity of giving either written or oral representations to the Complaints Panel as the Complaints Panel consider appropriate. It is the duty of every member of the Association to provide all reasonable assistance to the Complaints Panel as is requested.
- 3.5 The Complaints Panel shall submit a written report of its investigation to the Chairperson of the Complaints Sub-Committee. The report together with the recommendation of the Complaints Sub-Committee as to whether the allegation should be formally considered by a Disciplinary Panel shall then be sent to the Chairperson of the Disciplinary Sub-Committee.
- 3.6 If the Chairperson of the Disciplinary Sub-Committee considers that it is not appropriate for formal consideration by a Disciplinary Panel the Chairperson shall notify the Complaints Sub-Committee of this decision and the Complaints Sub-Committee shall notify the person against whom the allegation has been made as to this fact together with any advice (if any) that it considers appropriate.
- 3.7 If the Chairperson of the Disciplinary Sub-Committee considers that is appropriate for the matter to be formally considered by a Disciplinary Panel the Chairperson of the Disciplinary Sub-committee shall appoint a Disciplinary Panel and the Disciplinary Panel shall consider the matter as set out in clause 4.

4 Disciplinary Proceeding

- 4.1 Chairperson of the Disciplinary Committee shall appoint a Disciplinary Panel comprising of at least three members of the Disciplinary Sub-Committee the majority of whom shall be lay members.
- 4.2 The Clerk to the Disciplinary Panel shall, as soon as possible, inform the person against whom the allegation is made that the matter will be formally considered by the Disciplinary Panel. The person shall be informed of the time, date and place of the disciplinary hearing (giving at least seven clear days notice), the allegation that will be considered (together with supporting documentation where appropriate) and the fact that the person can bring a representative and any witnesses that the person considers appropriate to the hearing.
- 4.3 The Disciplinary Panel may appoint a solicitor to sit with it for the purpose of advising the Disciplinary Panel as to how it shall carry out its duties. The Disciplinary Panel may also appoint up to two other advisors with special expertise in the matters under consideration. The solicitor and these advisors shall act in an advisory capacity only.

- 4.4 The Chairperson of the Complaints Sub-Committee shall appoint a member of the Complaints Panel or the Complaints Sub-Committee to lay before the Disciplinary Panel such information as is available to it in relation to the allegation under consideration.
- 4.5 The person against whom the allegation has been made shall be given a full and fair opportunity of being heard by the Disciplinary Panel and of calling witnesses and, where possible, of cross examining any other witnesses giving evidence before the Disciplinary Panel.
- 4.6 Written and oral evidence may be admitted by the Disciplinary Panel. The Disciplinary Panel shall be entitled, but not obliged, to take account of any findings of any court of law or other disciplinary body which it considers is relevant to the allegation laid before it.
- 4.7 Having taken into consideration all the relevant evidence laid before it the Disciplinary Panel shall determine whether the member accused is guilty of the misconduct alleged or is unfit to continue as a member of the Association (as appropriate). In the event that the Disciplinary Panel finds the allegation well founded, it may take one or more of the following courses of action:-
- 4.7.1 reprimand or severely reprimand the member;
 - 4.7.2 require the member to provide an undertaking to refrain from continuing or repeating the conduct in question;
 - 4.7.3 suspend the member from the Association for a period of time not exceeding 2 years; and
 - 4.7.4 remove the member from the Association.
- 4.8 The decision of the Disciplinary Panel shall be final and binding. The Disciplinary Panel reserves the right to notify the complainant(s) and the member's employer or fellow partner(s) and the members professional body (as appropriate) of the nature of the complaint and of the Disciplinary Panel's findings of fact and of its disciplinary decision.
- 4.9 Any member expelled from the Association shall have the right to apply to the Secretary of the Committee for reinstatement but not sooner than two years from the date of the member's disciplinary hearing or one year from that member's previous application for reinstatement. Such an application shall be considered by the Membership Sub-Committee having considered the written recommendation of the Disciplinary Sub-Committee in respect of the application.
- 4.10 General meetings of the Disciplinary Sub-Committee shall be held each year at which all complaints, reports of all investigations completed and the results of all disciplinary hearings of Disciplinary Panels shall be reviewed by it.