

# **BAPPS**

## **COMPLAINTS PROCEDURE**

### **A. APPLICABILITY**

Save where the context otherwise admits this complaints procedure shall be deemed to form part of the Code of Ethics for Supervisors laid down by the British Association of Psychoanalytic and Psychodynamic Supervision. (BAPPS)

BAPPS makes it a condition of membership that individual members:

A.1 agree to participate in and be bound by BAPPS complaints procedures

A.2 agree to report to BAPPS any criminal conviction which s/he may acquire

A.3 may not resign membership of BAPPS whilst there is any professional conduct complaint outstanding

### **B. LIMITATIONS**

A Complaint may only be made against a member (“the Respondent”) by:

B.1 a supervisee

B.2 the employer of a member

B.3 another member of BAPPS

B.4 a member of the public

BAPPS will not consider any complaint about breaches of the code of ethics made:

B.4 before the Incorporation of BAPPS,

B.5 in respect of any matter alleged to arise prior to the supervisor becoming a member of BAPPS

B.6 in respect of an event which occurred more than 5 years prior to the complaint being received. In a case of the complaint being about a series of incidents the 5 year period shall commence on the last of the incidents complained about.

A complaint may be made by any of the above against a member of BAPPS on one or more of the following grounds:

B.7 s/he has been guilty of conduct falling short of the standard required of a member of BAPPS as set out in the BAPPS Code of Ethics,

B.8 s/he has been guilty of professional misconduct,

B.9 s/he has been convicted in the UK of a criminal offence;

B.10 her/his ability to practise as a supervisor is seriously impaired because of her/his physical or mental condition

## **C. PROCEDURE**

C. 1. Any complaint must be made in writing, not email, marked Confidential and addressed to the Chair or Administrator of BAPPS at their office address and be supported by any relevant documentation.

The Secretary will:

Acknowledge receipt of the complaint.

Send the complainant a copy of the BAPPS Code of Ethics,

Inform the supervisor concerned,

Inform the supervisor's Registering Body of the complaint and its nature and assure them that they will be informed of any outcome.

C.2. Within 21 days the Chair of BAPPS shall nominate suitably experienced members of BAPPS to form The Investigating Committee which shall be 5 members drawn from the Executive and/or the Ethics Committees plus one ordinary member. The Secretary of the Investigating Committee shall, within 10 days, notify the supervisor concerned and invite her/him to respond to the complaint within 28 days. The Investigating Committee will then consider in light of the evidence whether there is a prima facie case to answer in respect of the said complaint. The decision shall be decided by a simple majority.

C.3. The Investigating Committee shall have the powers to call for the production of documents and to require written explanations or clarifications on such matters as it reasonably considers relevant.

C.4 In the case of information that a supervisor has been convicted in the UK of a criminal offence, The Investigating Committee may conclude that there is no case to answer if it considers that the criminal offence in question has no relevance to her/his fitness to practise as a supervisor.

C.5 If the Investigating Committee reaches the view that there is no case to answer it shall notify the Chair of BAPPS, the Complainant and the Supervisor concerned of its conclusion.

C.6 If the Investigating Committee is satisfied that there is a case to answer it will inform both the Complainant and the Respondent that either:

a, the case will be referred on to the Professional Conduct Panel and that there will be a hearing of the case: or

b, in a case relating to the physical or mental fitness of a supervisor to practice supervision that the case will be referred to the Pastoral Committee.(UKCP Health Complaints).For constitution of Pastoral Committee see Section H page 6 )

If the case is to go to a Hearing the Investigating Panel will send all relevant documents to both parties accompanied by a letter which will state that they will hear from the Professional Conduct Panel giving the date and place of the hearing. This to be within 3 months of that letter and that they will be told that the concluding Decision of the Panel will be communicated to all parties, by post, within 3 working days of the Hearing.

C.7 The Chair of BAPPS and the Executive Committee will appoint a Professional Conduct Panel to hear this case.

This shall consist of: 4 Members

One member of the Ethics Committee who will act as a steering Chair but will not have voting rights.

2 members of BAPPS experienced in hearing complaints and with no conflicts of interest.

1 less experienced member of BAPPS (in a learning capacity).

C.8 The Professional Conduct Panel will hear and determine the complaint. Any decision that the complaint has been proved shall be either unanimous or by a simple majority. The Panel must be satisfied that both parties have received all documents. The hearing will take place notwithstanding the failure of the Complainant or the Respondent to attend.

C.9 The proceedings of the Professional Conduct Panel shall accord with natural justice. The Professional Conduct Panel may appoint at any stage in the proceedings a suitably qualified person as an expert witness to advise on any matter arising, either in writing or in person. The cost of such advice shall be payable by BAPPS.

C.10 The Complainant and the Respondent may be represented at all stages of the proceedings at their own expense. The Representative may be a lawyer or independent person who may give oral evidence to the Professional Conduct Panel and may call witnesses on behalf of their client or colleague. Each, or his/her representative, may cross-examine the other, or his/her witness. At the conclusion of the evidence the Complainant and the Respondent may make a final representation to the Professional Conduct Panel.

C.11 The conduct of the proceedings and the length and admissibility of evidence shall be solely at the discretion of the Professional Conduct Panel.

C.12 At the end of the hearing there will be an Adjournment for the Professional Conduct Panel to come to a Decision.

C.13 Within 3 working days they will write a Report informing the Ethics Committee of the Decision, along with recommendations regarding sanctions.

C.14 The Ethics Committee will inform both the Complainant and the Respondent in writing of the outcome of the hearing. Where appropriate the Respondent will be told that s/he will be informed of any decisions regarding sanctions within 14 days. The Executive Committee will be informed of all decisions in writing.

## **D. SANCTIONS**

1. Where the complaint is not upheld the complaint shall be dismissed.
2. If the Ethics Committee is satisfied that the complaint has been proved and that a breach of the Code Ethics and Practice has occurred it may suggest one of the following sanctions in respect of the Respondent:
  - a, Decide that no further action is appropriate
  - b, Where there is a finding of a minor breach of the Code of Ethics and Practice that the Respondent be warned in writing.
  - c, Where further evidence is required from supervisors, colleagues, independent assessors etc., that the final decision be deferred pending the provision of such evidence within a specified time limit.
  - d, Where the complaint is upheld: that membership of BAPPS shall be continued conditional on such educative requirement as may be recommended, e.g: supervision of supervision for a specified time and/or additional training.
  - e, Where the complaint is upheld that the Member be suspended or removed from BAPPS or from any office in BAPPS, or from membership of any committee, for a specified time.
  - f, Where there is a finding of serious misconduct e.g. financial dealings with a supervisee in respect of matters other than professional fees; dishonesty; sexual, financial or emotional exploitation of a supervisee; that the member be expelled.
3. The Ethics Committee shall make its decision on the sanctions suggested by the Professional Conduct Panel and notify the Respondent within 14 working days of receiving the Report of any sanctions to be imposed.
4. Where a case has been upheld the Executive Committee shall inform the appropriate UKCP Section; and where the complaint has resulted in suspension or expulsion from BAPPS the UKCP Registration Board shall be informed. Where appropriate the Executive Committee may inform the Professional Conduct Panel of the BACP.
5. No decision of the Ethics Committee shall have effect before the expiry of the period within which an appeal against the decision may be made; or

Where an appeal against the decision has been made, before the appeal is withdrawn or otherwise disposed of.

## **E. APPEALS PROCEDURE**

An appeal can only be made on the grounds of the Complaints Procedure not having been adhered to correctly by the Ethics Committee or where new evidence has emerged since the hearing and which might have a decisive effect on the appeal

An appeal cannot be made on the actual assessment carried out, or on any decisions made by the Ethics Committee.

A1. The Respondent may within 21 days beginning on the day on which notification of the decision/appeal period is sent to her/him give written notice of appeal and the reasons for such an appeal against the penalty imposed by the Ethics Committee. Upon receipt of this notice the Executive Committee shall appoint an Appeals Committee consisting of three senior members of BAPPS.

Unless there appears to be good reason to the contrary, appeals shall be conducted on the basis of written submissions rather than a hearing.

A2. The Appeals Committee will set a date at which the appeal will be heard and shall notify the Respondent of such date.

A3. The Appeals Committee can decide either:

- a, that the Professional Conduct Committee was misdirected. Or
- b, its decision was:
  - i. a decision no reasonable committee could have reached; or
  - ii. unsupported by evidence or was against the weight of evidence; or
  - iii. based on an error of law.

A4. On the conclusion of the appeal the Appeals Committee shall publish a report setting out its decision (and the reasons underlying it) which shall be one of the following:-

- a, that the appeal shall be dismissed
- b, that the appeal be allowed and the decision appealed against quashed
- c, that such other decision as the Professional Conduct Committee could have made be substituted for the decision questioned by the appeal.
- d, substitute one of the other sanctions specified for the penalty imposed by the Ethics Committee

After completion of the above procedures the Respondent may appeal to the Central Final Appeals Committee of UKCP.

## **F. MONITORING SANCTIONS**

The Ethics Committee will be responsible for monitoring and reviewing any sanctions imposed.

BAPPS will indemnify costs reasonably incurred by members involved in administering or hearing complaints; in particular costs in connection with litigation or other action arising out of official duties.

## **G. LIFTING SANCTIONS**

The member complained against may make application to the Ethics Committee for sanctions to be lifted when the conditions laid down in the sanctions have been fulfilled. 3 members of the Ethics Committee may consider any evidence of compliance and decide if the requirements of the sanction(s) have been fulfilled. The member will be notified in writing of any decision made.

## **H. PASTORAL (HEALTH) COMMITTEE**

At its discretion the Executive Committee may appoint 3 persons who may be from the Ethics Committee to consider a complaint alleging serious impairment of ability to practice owing to a physical or mental condition. After a preliminary hearing a Second Panel may be set up where 1 of the 3 members is a medical practitioner.

The Second Panel has power to suspend or expel a practitioner whose ability is seriously impaired.

All documents relating to all or any of the above proceedings are to be collated and filed. BAPPS will make suitable arrangements for the recording of any committee hearing.

All relevant documents are to be archived for 6 years.

Guidelines will be made available for the each of the Committees involved in the process of hearing complaints

## **I. COSTS AND EXPENSES**

BAPPS shall not be liable for any costs or expenses or compensation incurred by the Complainant or by the Member in connection with a complaint.

Dated 18<sup>th</sup> February 2006