



THE RSPOPUK COMPLAINTS PROCEDURE

1 INTRODUCTION

In the event that people believe they have been adversely affected by the performance of a trained RSPOP Psychotherapist, or a Phase II Process Work trainee working under supervision, we intend the following procedures to provide a forum in which both the complainant and the member complained about can feel both heard and supported. This would be done by following a clearly defined procedure for having their complaints heard, evaluated and acted upon by a qualified and impartial body (the Complaints Committee). RSPOPUK recognises that professional misconduct is a serious matter, and that it has a responsibility to protect the public as well as its members. Process Oriented Psychology also believes that conflict is potentially “community-trying-to-happen”, and its practitioners would make every attempt to use their skills in conflict resolution, and awareness of the effects of rank and privilege in the process of addressing the complaint before it gets to the Complaints Committee.

The purpose of the Complaints Committee is to support a definite process of ‘no’ to certain behaviours whilst at the same time following a process of learning and awareness for the individuals concerned, for the community and for the larger world. There are two guiding principles that will inform all the actions of the Complaints Committee. The first is the need to protect the public from unethical or incompetent practice of an RSPOP practitioner; the second the fact that the responsibility for that protection rests jointly with the committee and the person being complained about.

All practitioners are expected to abide by the Codes of Ethics and Practice.

2 PRELIMINARY PROCEDURE

2.1.1 The purpose of this procedure is to provide a supportive space in which a person who makes a written complaint about an RSPOP practitioner or Phase II trainee working under supervision (hereafter called “the practitioner”) may discuss her or his grievance with a qualified and impartial mediator. The mediator would be an experienced Process Worker skilled in conflict resolution, who has the trust of the Complaints Committee, the practitioner and the client, and who has had no significant relationship with the practitioner previously.

2.2.1 On receipt of a written complaint from a client or colleague (hereafter called “the complainant”) of the practitioner who is dissatisfied with an RSPOP practitioner the Chair of the Complaints Committee appoints a mediator, a person who is trusted by the committee, by the client and by the practitioner. The mediator would attempt to follow through three stages:

- a) The mediator discusses matters with the complainant and will be able to provide help of many kinds, ranging from information about Process Work theory (and other therapies), to advice on how to proceed to a formal complaint. The mediator could clarify theoretical issues around the behaviour under complaint and could interpret the Codes of Ethics and Practice.
- b) The mediator would then initiate a discussion with the practitioner about matters pertaining to the complaint.
- c) The mediator would endeavour to make the situation amenable to some form of reconciliation between the two parties involved.

* If attempts at conciliation fail, or if the complainant demands it, or if there is prima facie evidence that the complaint justifies investigation, the mediator will advise the client how to proceed to a Formal Complaints Procedure. The mediator will have no further dealings with the complainant or practitioner and will simply inform the Chair of the Complaints Committee as to the outcome.

- 2.3 The Preliminary Procedure is confidential between complainant, practitioner, and mediator.
- 2.4 In cases where a blatant breach of the Codes of Ethics or Practice is alleged it is the duty of the mediator to explain to the complainant that the case is beyond the scope of the Preliminary Procedure.
- 2.5 For the purposes of any “five-year limitations rule”, the complaint is considered to have been lodged on the receipt of a written complaint from the complainant to the Complaints Committee the first time and not when the Formal Procedure was invoked.
- 2.6 Written complaints from “third parties” – people not directly connected in a professional relationship with the practitioner – may be heard only at the discretion of the Complaints Committee, but if decided to be heard, will not be subject to the Preliminary Procedure.

3 FORMAL COMPLAINTS PROCEDURE

- 3.1 The Formal Complaints procedure aims to determine whether or not a RSPOPUK practitioner has acted in breach of the RSPOPUK Code of Ethics, and where this is found to be the case, to recommend appropriate action.
- 3.2 Complaints must be in writing, with the complainant’s name and address identifiable, and received by the Chair of the Complaints Committee.
- (a) The complaint must be lodged with the committee within five years of the date of the alleged event or events giving rise to the complaint.
 - (b) The practitioner must have been registered as a RSPOPUK practitioner at the time of the alleged event or events. A Phase II trainee must have been working under supervision.
 - (c) The complainant must have exhausted the resources of the Preliminary Procedure before moving on to the formal procedure, with the exception: § 2.6 above.
- 3.3 Presentation of the case may involve the collection of documents such as letters, advertising, receipts, case notes, transcripts of interviews, etc., as well as information in other forms in such a way as to make a presentation of all issues thorough and complete. When the presentations are felt by both parties to be complete they are submitted to the Complaints Committee for scrutiny. Unless the committee feels that there is clearly no case to answer, a date is fixed for a formal hearing. Both parties will be notified at least one month in advance.
- 3.4 At this point either party may argue for a change in the terms and the committee will respond, but in all cases it is the committee's judgement that is final.
- 3.5 When the parameters of the dispute have been agreed upon, the formal complaint hearing is convened. Along with the notice of the formal hearing the Committee will send a brief statement laying out their understanding of the case and setting clear parameters within which discussion will take place. This statement will make reference to specific documents and topics as well as to general types of argument and evidence to be given.
- 3.6 The complainant, and the practitioner, may each have an advocate whose sole purpose in being present is to support them and ensure that their cases are clearly and completely presented. The committee may feel the need to co-opt a member of the legal profession to advise them. The hearing will be held in private.

4 THE FORMAL HEARING

Any action taken as a result of the formal hearing will aim to be congruent with both the requirements of a responsible Complaints Procedure and with the POP concept of conflict as a process containing useful information and the potential for growth. In the event of a practitioner being found to be in breach of the Codes of Ethics or Complaints, the Complaints Committee would consider appropriate remedies for the specific case of the practitioner and also reflect on the complaint and see how it could inform the community of practitioners at large towards better practice.

- 4.1 The full Complaints Committee, and both parties to the dispute will be present, together with one other person, such as the mediator or advocate, to attend with them, to support them and ensure that their case is clearly and completely presented. A co-opted legal representative may be present.
- 4.2 Failure on the part of either party to attend will not necessarily result in a ruling against the absent party, but it may do so, and it may in any case weigh heavily in the committee's deliberations. However, a practitioner who fails to attend without mitigating circumstances could have his/her membership of RSPOPUK withdrawn.
- 4.3 The complainant's case is presented first, then the practitioner's reply. During this part of the procedure witnesses may be called in to give evidence. Such witnesses will not be in the procedure room except when giving evidence. This is done to give both parties maximum confidentiality and protection. The committee may ask questions in order to clarify the issues for themselves.
- 4.4 Either party may submit questions to the Chair to be put to the other party. It is at the discretion of the Chair whether or not asking these questions will serve the purpose of the complaints procedure.
- 4.5 After hearing both sides the Chair will declare the procedure closed. The committee will then recess for no less than five minutes and no more than an hour. Upon its return it will present either:
 - a) its decision as to whether or not the complaint has been upheld, or
 - b) a date (no more than 14 days hence) when a decision will be given.
- 4.6 Where the complaint is not upheld all documents tapes and other types of evidence relating to the complaint shall be returned at once to their owners or destroyed.
- 4.7 Where the complaint is upheld the committee will take appropriate action. In deciding upon such action the committee will bear in mind the guiding principles mentioned above.

5 ACTION AGAINST A THERAPIST

- 5.1 Such action may include any of the following options, or others such as the committee deems to be appropriate:
 - a) Withdrawal of RSPOPUK registration/certification, either temporarily or permanently, which may also result in the removal of national registration.
 - b) Restrictions on the type of client and /or work the therapist is allowed to work with.
 - c) Requirement of personal therapy and/or supervision of a particular type and on particular issues.
 - d) A period of time when the therapist works on her/himself followed by an interview or examination. (For example, the therapist may be required to sit certain qualifying exams again.)
 - e) Other remedies that the Committee feel to be appropriate and lie within the guiding principles. The findings of the formal hearing will be available to the public and made public.

6 COSTS

The Complaints Committee will not be responsible for any expenses incurred by either party, although a recommendation for ex-gratia payments may be made at the discretion of the Complaints Committee.

7 APPEAL

The decision of the Complaints Committee shall be binding. The practitioner or complainant may appeal, in which case the Complaints Committee, the advisors and the External Moderator to RSPOPUK will decide whether an appeal shall be heard, and if so, by whom.

8 The Committee will report, either in writing or in person to the Trustees of RSPOPUK, removing identities where appropriate, the nature of the various complaints that it is dealing with, and the progress of these complaints.