



The UKCP Complaints and Conduct Process

Making a complaint

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About the Complaints and Conduct Process (CCP)

The Complaints and Conduct Process, allows people to raise concerns about psychotherapists and psychotherapeutic counsellors who are, or have recently been on, UKCP's register. Therapists on our register are called Registrants.

What does the Complaints and Conduct Process look at?

UKCP can consider behaviour that falls into the following categories under the CCP:

- a) Misconduct
- b) Professional incompetence
- c) Conviction or caution for a criminal offence
- d) Physical or mental health
- e) A decision by another body, regulator or employer (eg the British Association for Psychotherapists and Counsellors and the NHS).

These categories are expanded and outlined in UKCP's code of ethics.

In assessing your complaint, the Professional Standards Manager will review the allegations and assess if there is a potential breach of the code of ethics.

On occasion, the Professional Standards Manager may also take into account the Code of Ethics of the UKCP organisational member that also covers the Registrant's practise (for example, body psychotherapists may have specific guidelines on the use of 'touch' in therapy that may be relevant to your complaint).

Who can make a complaint?

Anyone can make a complaint against a UKCP Registrant, if:

- (a) The Registrant is still on the register at the time the complaint is lodged with UKCP; and
- (b) Was a Registrant at the time the complained of behaviour occurred; and
- (c) The therapy or practice which is the basis of the complaint was located in the UK, or if not, the current insurance provision is from the UK.

If the therapist is no longer a Registrant at the time the complaint is lodged then UKCP cannot deal with the complaint. However, we can hold the complaint on file if the Registrant decides to re-register with UKCP.

If the therapist was not a Registrant at the time the complained of behaviour occurred, but is when the complaint is received it may be possible for UKCP to consider the complaint if it is reasonable and in the public interest to do so.

If the therapist resigns from the UKCP register after you lodge a complaint, the CCP will still continue. UKCP also reserves the right to notify and share information about the complaint with other organisations, including but not limited to the British Association for Counsellors and Psychotherapists and the British Psychoanalytic Council.

Confidentiality

Our Registrants have a duty of confidentiality that exists even after a therapeutic relationship comes to an end. However, they are permitted to divulge confidential information to their supervisor, their organisational member, and professional indemnity insurers about the therapy/ the person making the complaint and the allegations. The Registrant should only disclose information that is necessary and relevant to the issues you raised in your complaint.

How do I make a complaint?

We can only act on complaints made in writing. In order for us to investigate, you need to complete a UKCP complaints form which you can download from our website. If you have difficulty filling in the form, you may ask a friend, carer or a relative to complete it on your behalf. In completing the complaints form, you give UKCP your permission to disclose the complaint to the Registrant. You must provide us with the name of the Registrant you are complaining about. If this information is not provided we cannot consider your complaint.

Complaints should normally be made within three years of the conduct you want to complain about, or three years from when you became aware of it. If a complaint is received after this time period, the Professional Standards Manager will decide whether it would be reasonable and in the public interest to progress with the complaint.

It is important to include as much information and evidence with your complaint (for example: emails, text messages) as possible.

The following organisations* may also be able to help you with the complaint form:

- **Mind**
0300 123 3393, www.mind.org.uk
- **Citizens Advice Bureau**
03444 77 20 20- Wales
03444 111 444 – England
- **POhWER**
0300 456 2370, www.pohwer.net
- **Rethink Mental Illness**
www.rethink.org, 0121 522 7007
- **seAp (Support Empower Advocate Promote)**
0330 440 9000, www.seap.org.uk
- **Voiceability**
01223 555800, www.voiceability.org

If the complaint does not come under the scope of UKCP's CCP, we will let you know in writing that we cannot progress your complaint and close the case. It is not our practice to notify Registrants of complaints which do not fall within the CCP or where you do not give your consent to disclose your complaint.

When will the Registrant be informed about the complaint?

We will only notify the Registrant if we receive a completed complaints form which identifies them, and if the Professional Standards Manager decides that it raises a potential breach of the UKCP code of ethics.

The Registrant will be invited to respond to the complaint usually within 21 days of receiving the complaint. If you are still in therapy with the Registrant, they will no longer be able to see you as a client. We also ask that you both refrain from contact during the complaints procedure.

Can I make an anonymous complaint?

On rare occasions, we receive anonymous complaints about Registrants. If we do, the Professional Standards Manager will assess whether the information received is independently verifiable or admitted by the Registrant. If it is, then the Professional Standards Manager or Professional Conduct Committee may decide to refer the matter before an Adjudication Panel.

What happens if the Registrant is subject to other proceedings or complaints procedures elsewhere?

If the Registrant is facing complaints or disciplinary proceedings by another organisation, regulator or employer, or is subject to legal action, the Professional Standards Manager may suspend consideration of a complaint under our CCP until those other proceedings have been completed.

*UKCP does not endorse or recommend any organisation. Any arrangements are a matter between the parties themselves.

When deciding whether to put our CCP on hold, the Professional Standards Manager will weigh your interests with those of the Registrant and the wider public before making a decision. This decision will be under review and you will be provided with reasonable notice before the complaint is considered or resumed.

Where a complaint has been considered and not upheld by another body, the Professional Standards Manager may decide not to consider a complaint under our CCP if it is based substantially on the same behaviour that has already been investigated elsewhere.

If the Registrant is subject to other procedures, the Professional Standards Manager may refer you to their relevant employer, organisation, or regulator. For example, a Registrant may have provided psychotherapy to you in an NHS setting, in which case the complaint may be dealt with more appropriately by the NHS. UKCP would then consider the findings of the NHS to determine whether we need to take any further action.

How does UKCP decide whether to refer a matter to an Adjudication Panel?

The 'realistic prospect' test

The 'realistic prospect' test involves the consideration of two issues.

- 1) Is there a realistic prospect of being able to prove the allegations against the Registrant, and;
- 2) If so, are they so significant to indicate that the registrant's suitability to practice is, or may be impaired to a degree that justifies action being taken on their UKCP registration.

When we receive a complaint and the Registrant has been invited to respond to it, the Professional Standards Manager will carry out a screening process. This involves assessing your complaint, the response of the Registrant, and any evidence that either party has put forward.

The Professional Standards Manager must always seek the advice of the Professional Conduct Committee (which comprises of lay and professional members) before notifying you and the Registrant in writing of their decision on whether to refer a matter to an Adjudication Panel or not.

If the Professional Standards Manager feels unable to decide whether a matter should be referred to an Adjudication Panel, he or she must ask the Professional Conduct Committee to make the decision.

If the realistic prospect test has not been met, but professional development and reflection may be beneficial, constructive feedback or recommendations will be provided to the Registrant. You will be notified of any feedback/recommendations made.

If the realistic prospect test is met, the matter will usually be referred to an Adjudication Panel. However, if the complained behaviour is such that the Registrant has fully acknowledged, addressed it and undertakes not to repeat it, the Professional Standards Manager may, in consultation with the Professional Conduct Committee, discontinue the CCP. If the behaviour is repeated in the future, the Professional Standards Manager may re-start the CCP.

If the realistic prospect test has not been met, you have the opportunity to re-submit the complaint once more with any additional evidence that you feel may satisfy the realistic prospect test. For example, you may have emails and text messages which are likely to prove that the behaviour you're complaining of occurred.

Where the realistic prospect test has been met and the matter has been referred to an Adjudication Panel, you and the Registrant will be notified in writing. The decision to

refer to an Adjudication Panel does not indicate a final decision of guilt or wrongdoing. Rather it has been decided that the matter needs to be adjudicated upon by an independent panel. There is no appeal against a decision made from the screening process.

What happens at an Adjudication Panel hearing?

The Adjudication Panel will decide on the following matters:

- a) If the alleged behaviour(s) as set out by UKCP have been proven or admitted;
- b) Whether the proven or admitted behaviour(s) breach UKCP's code of ethics;
- c) Whether those breach(es) are such that the Registrant is unsuitable to be on the UKCP register without any restrictions or conditions; and
- d) Which sanctions (if any) should be applied.

We will try to make sure that the hearing is held on a date that is convenient for you. Our hearings are usually held remotely by Zoom and generally last one to two days. You will be informed of the date of the hearing at least six weeks before it is scheduled.

The Adjudication Panel comprises of three panel members: a lay Chair; normally one psychotherapist from the same modality as the Registrant; and another psychotherapist from a different modality. The Adjudication Panel will be supported by a Legal Assessor (a legally qualified person) to assist the Adjudication Panel with any procedural or legal matters and to ensure that the hearing is run smoothly.

UKCP hearings are normally held in public, which means that anyone can attend. If you feel that this may affect how you give evidence, you may ask UKCP to hold the hearing in private. However, this is ultimately a decision for the Adjudication Panel.

Giving evidence

Unless the Registrant accepts what you have set out in your complaint, it is likely that you will be asked to attend the Adjudication Panel hearing to give evidence. We understand that the idea of giving evidence against a Registrant may be intimidating or uncomfortable for you, however, it is important that you are able to provide your account to the Adjudication Panel in order for them to reach a decision which is fair and just.

If you are concerned about attending the hearing please get in touch with the Professional Standards Manager who will try and help you give your evidence with minimal discomfort. There are provisions within the CCP which allow us to request special measures in certain circumstances. For example, we can ask the Adjudication Panel for evidence to be provided by pre-recorded video, or ask the Registrant to turn off their video whilst you are giving evidence.

You can bring a friend to the hearing for support, however they will not be able to speak on your behalf.

Some tips on giving evidence:

- Speak clearly and slowly to ensure that everyone can hear you
- Try to answer the question that you have been asked
- Ask for clarification if there is anything that you do not understand. The amount of time you will be questioned will depend on how complicated the matter is
- The questions can sometimes be difficult and if you need a break at any time, please notify the Chair to take some time out from the hearing.

We will always try to ensure that hearings run to schedule. However, on some occasions there may be delays which cannot be avoided. In these instances we will organise a new hearing on the earliest possible date that is convenient for everyone involved.

The Adjudication Panel will ask everyone, except the Legal Assessor, to leave the virtual hearing room when they are in the process of making a decision. They will then ask the parties to attend and announce the decision.

Equality and diversity statement

UKCP is committed to promoting equality, inclusion and diversity, and works to ensure that its processes are fair, transparent, objective and free from discrimination. UKCP expects that everyone who is acting for the UKCP uphold these values.

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