

SPECTRUM COMPLAINTS PROCEDURE

1. INTRODUCTION

- 1.1. The purpose of the Complaints Procedure is to provide a means of resolving, where possible, any complaint against a member of Spectrum i.e. a psychotherapist who works in the Spectrum building and Spectrum registered psychotherapists. Its aim is to ensure that psychotherapists and their clients have clear information about the procedure and processes involved in dealing with complaints.
- 1.2. Complaints about work done by Spectrum psychotherapists in professional areas other than psychotherapy, e.g. healing or management training, are not covered by this complaints procedure. A complainant would need to take the complaint up directly with the person involved or with the relevant professional association.
- 1.3. A complaint may be brought by a member of the public using or seeking the services of a Spectrum psychotherapist.
- 1.4. Third party complaints (i.e. a complaint about someone else's psychotherapist, supervisor or trainer) are not accepted except on behalf of a client who is under the age of 18 or is deemed to be too vulnerable to act on their own behalf.
- 1.5. Supervisors are not considered accountable for the work of their supervisees; their role is to act as advisors and consultants. A complaint by a client could only be made to the psychotherapist concerned, not to the supervisor.
- 1.6. Spectrum does not accept complaints which have already been handled by another organisation, or are in the process of being handled elsewhere.
- 1.7. Psychotherapists who practice at Spectrum are independent of the organisation, they are self-employed and Spectrum has no direct line management responsibility for these psychotherapists.

- 1.8. The complaints procedure follows a two-stage model, beginning with mediation and progressing to adjudication. The procedure may include the use of sanctions at either stage. The procedure can be terminated at any stage, either by resolution being achieved between the disputing parties, or by direction of the co-ordinator involved in handling the complaint.
- 1.9. Each of the two stages is designed for completion in approximately 6-8 weeks. The intention is that the whole procedure from beginning through to completion of the Adjudication Stage will be completed within 20 weeks of its initiation.
- 1.10. All Spectrum members are expected to accept and work to the Spectrum Codes of Ethics and Practice. Any infringement of these codes will be taken into account in considering a complaint. These codes are guidelines for the provision and maintenance of standards in psychotherapy, and not sets of rigid rules.
- 1.11. The person complained about must have been a member of Spectrum at the time of the alleged complaint and must be a member at the time a complaint is received. If the person complained about is no longer a member of Spectrum, the matter cannot be handled by Spectrum. After a complaint has been received, the person complained about will remain a member of Spectrum while the complaint is in progress.
- 1.12. The alleged complaint must have taken place within 5 years preceding the written statement of complaint.
- 1.13. Spectrum is not responsible for travel or any other expenses incurred either by the psychotherapist complained against or the complainant.
- 1.14. Where a complaint is made against a therapist registered with either the BACP or the UKCP the complainant has the option to take the complaint directly to the registering body of the therapist. Information on lodging a complaint with UKCP can be found at <http://www.psychotherapy.org.uk/complaints> and for BACP <http://www.bacp.co.uk/complaints>

2. RECEIPT OF A COMPLAINT:

- 2.1. To initiate the Complaints Procedure, the complainant must first inform Spectrum in writing that they wish to make a complaint against one of the Spectrum members. The complaint should be sent to the Spectrum Complaints Committee. The letter should be marked "In Confidence," and should briefly describe the nature of the complaint being made. The letter should include the full name of the member being complained about, the complainant's relationship to the member and full name and contact details of the complainant.

- 2.2 All written material throughout the complaints process should be sent by paper mail and through registered post.
- 2.3 Dates and times of meetings between parties will be set up by telephone or email and confirmed in writing through registered post.
- 2.4 When a written complaint is received, the Spectrum Complaints Committee will appoint a person to co-ordinate the complaint who will inform the psychotherapist concerned that a complaint has been raised against him/her. The Co-ordinator will ensure that both complainant and therapist are aware of the Complaints Procedure.
- 2.5 The Co-ordinator will also notify the Spectrum staff team and the psychotherapist's supervisor that a complaint has been received. The staff and supervisor will be kept informed of the process of the complaint.
- 2.6 All information concerning the complaint, both written and verbal, will be considered confidential within the Spectrum Complaints Committee. The Complaints Committee however reserve the right to seek professional advice at any point (for example, from a solicitor) if this is deemed to be necessary or relevant.
- 2.7 Every effort will be made to ensure that the same people will be involved throughout the Complaints Process.
- 2.8 All persons included in the complaint have a duty to declare any interest or association with the complainant or the member complained against which may threaten their impartiality. In which case, changes may be made.
- 2.9 A complainant can withdraw their complaint at any time. A withdrawn complaint cannot be resubmitted at a later date.
- 2.10 Anonymous complaints are not accepted and they will be destroyed upon receipt by the Spectrum Complaints Committee.

3. STAGE ONE: MEDIATION:

- 3.1. When a complaint is received a facilitator will be appointed by the Complaints Committee to guide the complainant through the procedure.
- 3.2. Once a complaint has been made, the complainant will be asked to submit a detailed written account to the Co-ordinator handling the complaint, including in their account the precise nature of the complaint being made in relation to the relevant section of the Spectrum Code of Ethics and Practice, the circumstances surrounding the complaint, and, where possible, the remedy sought. This account should be sent to the Co-ordinator at Spectrum, and marked "In Confidence".

- 3.3 On receipt of this account, the Co-ordinator will initiate the Mediation stage of the procedure.
- 3.4 The psychotherapist complained against will then be asked to submit his or her own detailed written account of the circumstances surrounding the complaint. Where relevant, other Spectrum members involved in or witnessing the circumstances surrounding the complaint may also be asked to submit an independent written account, without consultation with anyone else concerned.
- 3.5 The Co-ordinator handling the complaint will also speak to the psychotherapist's supervisor about the circumstances surrounding the complaint and may request a written account of the psychotherapist's use of supervision relevant to the complaint.
- 3.6 The complainant and the psychotherapist concerned will then be invited to meet together with the Co-ordinator and discuss the complaint and seek resolution. This meeting will be audio-taped and transcribed.
- 3.7 If this meeting results in the matter being resolved by mutual agreement, the Complaints Procedure ends here. A statement summarising the resolution will be drawn up and signed by the complainant, the psychotherapist, and the Co-ordinator. Copies will be given to the complainant and the psychotherapist, and a copy kept on file at the Spectrum office.
- 3.8 The matter may also be discussed within the Spectrum Complaints Committee, who may make recommendations to the psychotherapist concerned or require certain actions to be taken, in addition to the agreements reached at the meeting of the complainant, psychotherapist, and Co-ordinator.
- 3.9 If a solution acceptable to both parties is not reached, and the complainant decides that they wish the complaint to proceed to the Adjudication stage of the Complaints Procedure, a written request must be made to the Co-ordinator at Spectrum within one month of the date of the mediation meeting.
- 3.10 The matter will then go on to Adjudication.

REFUSAL OR FAILURE TO ATTEND: MEDIATION STAGE:

- 3.11 The failure of the complainant to attend the meeting or meetings arranged in the Mediation stage, without good reason or due notice, will mean that the complaint is regarded as withdrawn, and the use of the Complaints Procedure terminated. The Co-ordinator will then write informing both parties that the Complaints Procedure is closed and the member complained against exonerated.

3.12 In the case where the psychotherapist complained against refuses or fails to attend the meeting arranged at the mediation stage without good reason or due notice, the Co-ordinator will inform the Spectrum Complaints Committee, who will then decide what further action should be taken and what sanctions may be imposed.

4. STAGE TWO: ADJUDICATION:

4.1 This is a formal procedure during which the complaint will be heard and decided upon by the Complaints Panel. The aim of Adjudication is to formally resolve the matter between the complainant and the member complained against, and to recommend, where appropriate, disciplinary or other proceedings to the Spectrum Complaints Committee.

4.2 The Complaints Panel will comprise the Co-ordinator (who will normally Chair the Panel), a member of the Spectrum Staff and an External Moderator. The External Moderator will be chosen from an agreed list, drawn from the membership of professional psychotherapy and training organisations which are registered with the Humanistic and Integrative Section of the United Kingdom Council for Psychotherapy.

4.3 A Clerk to the Complaints Panel will also be in attendance to record the procedure. This hearing will be audio-taped and transcribed.

4.4 Written evidence or submissions, including submissions from witnesses, are to be sent to Spectrum, marked "Complaints Procedure - In Confidence" not less than fourteen days prior to the date fixed for the Complaints Panel hearing. Such papers will be circulated to the Complaints Panel members, the complainant and the member complained against, not less than seven days before the hearing.

4.5 Complaints Panel members will also be given copies of the transcript of the earlier Mediation session. These will be available for reference by the complainant and the therapist at the hearing.

THE COMPLAINTS PANEL HEARING:

4.6 The complainant and the member complained against are to appear before the Complaints Panel and each may be accompanied by a "friend" who may represent them. This friend may be a legal representative.

4.7 On the day the following protocol will normally be observed, both parties being present during the hearing:

1. A summary of the complainant's case will be put to the Panel. Following this, a summary of the case of the psychotherapist

complained against will be put to the Panel.

2. The complainant and/or friend may put any questions, through the Chair to the psychotherapist complained against. The psychotherapist complained against may then put any questions, through the Chair to the complainant.
 3. Complaints Panel members may then seek clarification from both parties.
 4. When the Chair of the Complaints Panel is satisfied that Panel members have gained all the clarification that is material to the case, the Chair summarises the case as presented to the Complaints Panel by the parties concerned.
 5. The complainant and the psychotherapist complained against, along with any attendant friends, then withdraw while the Panel considers their verdict.
- 4.8 Because of time constraints and the fact that the evidence can be submitted and circulated in advance of the Complaints Panel hearing, the only new evidence to be admitted on the day will be by short verbal submission.
- 4.9 Requests for recess:
- i. At any time during the Complaints Panel hearing the Chair may suspend proceedings, ordering a recess.
 - ii. At any time during the Complaints Panel hearing either party involved in the complaint may ask the Chair for a recess in order to give them time to consider any issues that may have arisen during the hearing. This request will be dealt with at the discretion of the Chair.

THE ADJUDICATION:

- 4.10 The Complaints Panel confer and decide for or against the complaint on the evidence presented. If the Panel is unable to reach a decision on that day, both parties will be given a date by which the decision will be reached.
- 4.11 If the complaint is upheld, the Panel may recommend certain sanctions be imposed on the psychotherapist concerned.
- 4.12 The Chair of the Complaints Panel will notify judgement in writing to both parties involved in the complaint within seven days of the decision. The Chair will also report the findings of the Panel to the Spectrum Complaints Committee, along with any recommendations the Panel has

made.

REFUSAL OR FAILURE TO ATTEND: ADJUDICATION STAGE:

- 4.13 The failure of either party to attend the Complaints Panel hearing without good reason or due notice is to be handled at the discretion of the Chair of the Complaints Panel. As a general rule, the failure, by either party, to attend the re-convening of the original Complaints Panel on a second and later date shall be deemed a refusal to attend.
- 4.14 In the event of a refusal, by either party, to attend the hearing of the Complaints Panel, the Chair of the Panel will report the outcome to the Spectrum Complaints Committee, who will decide what action, if any, is to be taken.

5. SANCTIONS:

- 5.1 In cases where the complaint has been resolved in Mediation, the Spectrum Complaints Committee will consider the circumstances of the complaint and may, at their discretion, impose sanctions on the psychotherapist concerned.
- 5.2 In cases where the matter has gone on to Adjudication, and where the Complaints Panel has upheld the complaint, it is the responsibility of the Spectrum Complaints Committee to decide upon and impose sanctions on the psychotherapist concerned. The Spectrum Complaints Committee will take into account the recommendations of the Complaints Panel in deciding what sanctions to impose.
- 5.3 Sanctions imposed upon the member complained against may be one or more of the following:
- i. Warning to improve or change in a specified way by a specific date.
 - ii. Requirement of increased supervision, personal therapy work, and/or further training.
 - iii. Suspension of work for a specified period and/or until certain changes have been undertaken.
 - iv. Termination of work at Spectrum, with consequent termination of staff and/or membership status.
 - v. Recommendation for removal from the UKCP register.

Other sanctions may also be imposed as appropriate.

- 5.4 Where the Complaints Panel has upheld a complaint, the complainant will be informed of the sanctions imposed by the Spectrum Complaints Committee on the psychotherapist concerned, normally within four weeks from the date of the Panel's decision.
- 5.5 In the case of a psychotherapist who is prohibited from working at Spectrum, Spectrum will inform the United Kingdom Council for Psychotherapy of this decision.

6. APPEALS AT SPECTRUM:

- 6.1. The psychotherapist complained against, or the Complainant, may appeal against either the outcome or sanctions imposed by the Spectrum Complaints Committee by writing to Spectrum within one calendar month of being notified. In the case of a complaint against staff members, the appeal should be addressed to the Spectrum Directors. In the case of a complaint against other Spectrum members the appeal should be addressed to the Spectrum Complaints Committee.
- 6.2. The Co-ordinator will then nominate up to three members of the Complaints Committee plus one external person who have not previously been involved to hear the Appeal.
- 6.3. The Appeal Panel will report its conclusions and recommendations to the Spectrum Complaints Committee who will implement their decision. The Co-ordinator will communicate their decision to both parties and also report it to the Spectrum Complaints Committee.

7. GRIEVANCE AND DISCIPLINARY MATTERS:

Authority in relation to grievance (a complaint against a colleague, trainer, supervisor or member of the staff group) or discipline (in relation to a practitioner, trainee or supervisee) lies within the Spectrum staff group. The complaints procedure outlined in this document serves as the model for grievance or discipline. The same basic structure, i.e. point 3 through 6.

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