

IHTAN

A Procedure for Dealing with Complaints about Infringements of the Codes of Ethics and Practice by IHTAN Members

1. Introduction

1.1 This is the procedure under which complaints are investigated and adjudicated. Complaints may be made against a member of the IHTAN in connection with the practice of, training in, or supervision of therapy.

The intention is that this procedure and its outcomes will assist in maintaining standards of practice in the way that members of IHTAN work, where this appears to be necessary or desirable.

1.2 All members are obliged to accept and work to the Codes of Ethics and Practice of IHTAN and any infringement of these will be taken into account in considering any complaint. Members of IHTAN also accept this procedure as binding on them as a condition of membership.

1.3 A complaint may be brought by any individual against a member of IHTAN. IHTAN will not hear a complaint from a third party unless he or s/he was identified by the therapist as a responsible carer at the onset of the client's therapy. The alleged infringement of the Codes of Ethics and Practice or other matter complained of must have taken place at a time when the member complained against was a member of IHTAN. If the person complained against is no longer a member at the time the complaint is made, or resigns after it is made, this will not terminate this procedure.

1.4 IHTAN is not responsible for a member's arrangements in respect of indemnity insurance, but adequate cover is required under the Code of Practice. IHTAN is not able to deal with questions of legal liability or compensation.

1.5 A complaint should be received by the Executive Secretary of IHTAN within three years of the alleged infringement or other matter complained of. Should a complaint be received after the three-year period, it may still be heard, provided the complainant has a substantial reason for the delay in bringing the complaint. In this case the investigator will examine this as a preliminary issue within the procedure.

1.6 IHTAN is not responsible for travel or any other expenses incurred by either the member complained against or the complainant at any point in this procedure.

1.7 Everyone taking part in this procedure is required to act in a manner that preserves confidentiality and does not prejudice the outcome. The Investigator or the Head of the Complaints Panel may, during the relevant proceedings, or the Chair of IHTAN (Executive Secretary) at any time, may terminate the proceedings if s/he feels a breach of confidentiality has or is likely to occur or that any other behaviour or event has or is likely to occur which may prejudice the outcome of the proceedings.

1.8 A complaint proceeds through the following stages:

- An individual registers a complaint with the Association.
- The Chair of IHTAN (or Executive Secretary) appoints an investigator who examines the complaint.
- If appropriate a facilitator is appointed to offer mediation between parties.
- The Chair of IHTAN (or Executive Secretary) decides if matter is closed or refers to Complaints Panel.
- A Complaints Panel adjudicates on the complaint, and informs the IHTAN Board of its decision.
- IHTAN Executive will consider the decision and may impose sanctions.
- Either party may appeal and an Appeal Panel hears the appeal and informs the IHTAN Executive of its decision.
- IHTAN Executive will consider and act upon the decision.

2. Making a Complaint

2.1 Normally, before making a complaint, the complainant should contact the member who is the subject of the complaint directly, and take all reasonable steps to try to resolve the issue with them.

2.2 The person wishing to make, or considering making, a complaint should contact the Executive Secretary of IHTAN for copies of this procedure and the *Guidelines* to it, the Codes of Ethics and Practice and other appropriate documents, if any.

2.3 A complaint will not be heard if legal proceedings have been issued regarding the matters forming the substance of the complaint.

2.4 A formal complaint must be made in writing to the Executive Secretary at the then current address for IHTAN's correspondence. It should include the following:

- a) An address for correspondence with the complainant
- b) A statement confirming that the complainant will abide by the Complaints Procedure.
- c) The name of the member complained against
- d) Identification of which clause or clauses of the Codes of Ethics and Practice are alleged to have been breached
- e) Details of the events which form the substance of the complaint including the date/s it is alleged to have occurred
- f) If the complaint is outside the three year limit, the reasons for the delay in bringing it

- g) The complaint should state what informal attempts at resolution have been made, or if not, an explanation why
- h) A statement confirming that no legal proceedings have been issued regarding the matters forming the substance of the complaint

2.5 The Executive Secretary must within 10 working days of receipt of the written complaint notify the member complained against in writing of the complaint and must invoke this procedure as set out below.

The Executive Secretary shall notify the complainant in writing that this has been done.

The member complained against must respond in writing to the Executive Secretary within 10 working days of the date of this notice confirming such receipt and her/his current address.

2.6 In the event that the member complained against does not respond to the notice within the specified time limit, then, in the absence of a satisfactory explanation for the failure, and at the discretion of the Chair of IHTAN (or Executive Secretary), he or she may be prevented from taking part in the procedure, that is, from making representations or giving evidence, but will be bound by the decision, and any sanctions imposed.

2.7 At any time in these proceedings the Chair of IHTAN, the Executive Secretary and/or any other persons identified below as acting for IHTAN in the investigation, adjudication or appeal of the complaint may take advice of IHTAN's insurers, solicitors and other legal counsel without reference to or notifying the complainant or the member complained against. The Executive Secretary may also consult the Chair of the Ethics Committee.

3. Investigation

3.1 Within 10 working days of receipt of the member's acknowledgment, or after 10 working days passing without it, the Executive Secretary shall appoint a member of IHTAN who is not an Executive Member to be the Investigator for the complaint. The role of the Investigator is to report to the Chair of IHTAN (or Executive Secretary) whether or not a formal hearing before a complaints panel is required. The Investigator will also investigate the reason for any delay in making the complaint longer than three years after the event or events complained about.

3.2 Within 10 working days of appointment the Investigator will consider the written complaint and may make a request in writing for further written statements from the complainant and the member complained against, as he or she considers appropriate. **Both parties have 10 working days from the date of the Investigator's request to provide these statements.** The Executive Secretary will ensure that **copies of these statements are provided to both parties, at least three days prior to any meeting.**

3.3 Within 10 working days of the investigator's appointment, or, if later, the receipt of any further written statements the investigator will write to each party to arrange a meeting or meetings with them. If circumstances are such that a joint meeting is unacceptable to either party, then the investigator may decide to arrange individual meetings. There should be an appointed Clerk in attendance to record such meetings.

3.4 The complainant and the member complained against may be accompanied by a

friend, supporter, or representative.

3.5 The Investigator will report to the Chair of IHTAN (or Executive Secretary) within 5 working days of the last of the above meeting/s, whether or not there are reasonable grounds for believing that the complaint has substance and ought to proceed to the Mediation or Adjudication stage.

3.6 Within 15 working days of receiving the Investigator's report the Chair of IHTAN (or Executive Secretary) must either:

- a) Appoint a Mediator**
- b) Appoint a Complaints Panel, or**
- c) Terminate the procedure and write to the parties to inform them, and the reasons for the decision.**

3.7 Either party may lodge an appeal against a decision to terminate the procedure. The Executive Secretary must receive it within 20 working days of the date of the letter of notification. If an appeal is lodged the Appeals procedure set out below will apply. In the event of an appeal, all the time limits are suspended until the appeal has been heard.

4. Mediation

The complaint should be dealt with by mediation if possible. Mediation is a structured negotiation with a third party who aims to facilitate a settlement.

4.1 Mediation is particularly appropriate if the complainant is seeking:

- a) acknowledgement on the part of the member that s/he has made a mistake or an error of judgement
- b) an apology or explanation from the member
- c) financial redress from the member in return for fees paid.

4.2 The mediator should not personally have an interest in the matter nor professional or personal issues in relation to the complainant or the person complained against.

4.3 The mediator would normally be chosen from within the organisation and must be acceptable to both parties.

4.4 Normally the mediator should meet both parties individually to explore the issue/s before holding a joint meeting. Mediation can only proceed if both parties are willing to participate.

4.5 It may be appropriate either initially or at any stage during the mediation process to appoint a mediator from outside IHTAN. Any costs incurred will be shared between the two parties.

4.6 During mediation all time limits are suspended. The process may be repeated if this has the support of both parties.

4.7 The result of the mediation is conveyed to the Executive Secretary, who within 15

working days must either:

- a) appoint a Complaints Panel or
- b) terminate the matter and write to the parties to inform them, and the reasons for the decision.

4.9 Either party may lodge an appeal against a decision to terminate the procedure. The Executive Secretary must receive it within 20 working days of the date of the letter of notification. If an appeal is lodged the Appeals procedure set out below will apply. In the event of an appeal, all the time limits are suspended until the appeal has been heard.

5. Adjudication

5.1 The Complaints Panel shall consist of three members of the current Complaints Board of IHTAN other than the Investigator and the Chair of IHTAN. The purpose of adjudication is to examine complaints, decide on their validity and determine sanctions as appropriate. Meetings are formal and the Head of the Panel is responsible for ensuring that its proceedings are conducted in a manner which shows due regard to the gravity of the situation and to considerations of confidentiality.

5.2 Members of the Complaints Panel have a duty at all times during the proceedings to declare any interest which may cast doubt on their impartiality. If, in the opinion of the Chair (or Executive Secretary) of IHTAN, at any time during the proceedings, the interest of any member of the Complaints Panel is such that the member is not in a position to deal with the complaint on an impartial basis, then the Chair (or Executive Secretary) of IHTAN will appoint another IHTAN member of the Association (other than the Investigator or the Chair) in their place.

5.3 **The Complaints Panel will arrange a date for the meeting within 20 working days of being established.** Attempts should be made to find a date and place suitable to both parties. **There must be 25 working days notice for the hearing.** The Executive Secretary has the responsibility to ensure that everyone involved knows the procedure which will be followed and who will be present.

5.4 **All evidence submitted** by either the complainant or the member complained against **must be sent to the Executive Secretary at least 15 working days before the hearing.** The Chair (or Executive Secretary) will ensure that **all written submissions are copied to all other parties within 5 working days of receipt. They may respond to any further points raised within 5 working days thereafter. The Executive Secretary will collate all written submissions and make these available to all parties before the meeting.**

5.5 The complainant and the member complained against may be accompanied by a friend, supporter, or representative.

5.6 **The Complaints Panel will decide if the complaint is to be upheld and any sanctions to be imposed on the member complained against, and will write a report of its decision, and the reasons for it, within 10 working days of its meeting with the complainant and/or the member complained against.**

This report will be copied to the Executive at their next scheduled meeting and will not contain the name of the member complained against.

5.7 Whether the complaint is upheld or not the Complaints Panel may make recommendations in its report.

5.8 The Executive Secretary will inform the complainant and the member complained against as soon as possible after the Complaints Panel has written its report of the date the Executive meet to receive it.

5.9 The Executive will receive the report for ratification. The name of the member complained against will only be recorded in the minutes after any appeal has been heard.

5.10 After the Executive have ratified the report, the Chair of IHTAN (or Executive Secretary) will inform the complainant and the member complained against in writing within 5 working days the reasons for the decision, and any sanctions imposed.

5.11 If the complaint has been upheld any appeals must be lodged within 20 working days of being informed. Unless an appeal is lodged within this time, then the name of the member complained against and the sanctions imposed will be recorded in the Minutes of the Executives' meeting, and published on the IHTAN's website.

6. Sanctions

6.1 If the Complaints Panel considers it appropriate, it may recommend that sanctions be imposed upon the member complained against. These may be one or more of the following, but are not limited to:

- a) Requirement to demonstrate improvement or change in a specific way by a specific date.
- b) Temporary withdrawal of individual Membership, for a specified period of time and/or until specific changes have been made, as evidenced by written reports at intervals agreed by the Complaints Panel, and sent to the Chair of IHTAN from a supervisor acceptable to the Chair, appointed by her/him
- c) The provision of reports from a supervisor acceptable to the Chair of IHTAN appointed by her/him to monitor the member's work.
- d) Request to cease practicing for a specified period or indefinitely
- e) Permanent suspension of individual Membership status
- f) Expulsion from membership and exclusion from all meetings of the IHTAN for a specified period or indefinitely.
- g) Removal from any role within any structures of IHTAN, including voting rights and election as an Executive for a specified period or indefinitely.

6.2 The member complained against may apply to the Chair of IHTAN for the lifting of sanctions when any conditions laid down have been fulfilled. The Chair of IHTAN and the Chair of the Ethics Committee will consider the evidence and make recommendations to the Executive. The member complained against may also

have the opportunity to make representation to the Executive, before any decision is made, as there might be reasons for a failure to comply with the sanctions. Within 5 working days, the Chair of IHTAN will inform the member of the decision, which will be published on the IHTAN's website.

6.3 Failure to comply with sanctions, without adequate reasons will result in the Chair of IHTAN informing the Executive who may decide to impose further sanctions or to terminate membership. Within 5 working days, the Chair of IHTAN will inform the member of their decision, which will be published on IHTAN's website.

7. Appeals

7.1 The complainant or the member complained against may appeal against the decision of the Chair of IHTAN to terminate the procedure after receiving the report of the investigator or mediator, by writing to the Executive Secretary within 20 working days of being notified. The appeal must state the grounds on which the appeal is being lodged.

7.2 The complainant or the member complained against may appeal in writing against the decision of the Complaints Panel or the sanction imposed, by writing to the Executive Secretary within 20 working days of being notified. An appeal may be on the grounds that

- a) the correct procedure has not been followed or
- b) the decision is, on the facts, perverse.

7.3 Within 5 working days the Executive Secretary will inform the Head of the Complaints Panel or Investigator (as appropriate) of the appeal and request a written response to the appeal. This will be circulated to all parties within a further 10 working days. Final submissions must be made to the Executive Secretary 10 working days before the Appeal Panel meets. The Executive Secretary will collate all written submissions and make these available to all parties before the meeting.

7.4 The Chair of IHTAN shall, within 30 working days of the appeal being received appoint an Appeal Panel consisting of three members not previously involved in the case, namely an Executive member, a member of the Complaints Board of the IHTAN and a lay person appointed by IHTAN.

7.5 The Appeal Panel will meet within 20 working days of being appointed. Attempts should be made to find a date and place suitable to all parties. The Executive Secretary has the responsibility to ensure that everyone involved knows the procedure which will be followed and who will be present.

7.6 The appellant (the original complainant or member complained against) and the Head of the Complaints Panel or Investigator (as appropriate) will be invited to the Appeal. A friend, supporter, or representative may accompany them.

7.7 The Appeal Panel will report in writing to the Executive within 10 working days after the hearing, giving its conclusions and recommendations, with reasons. The Executive will, at their next scheduled meeting, consider the conclusions and recommendations and decide whether to accept these, or to change or impose new sanctions as a consequence. The Chair of IHTAN will inform both parties in writing of the decision of the Executive within 5 working days of the Executives' meeting.

If the complaint is upheld the name of the member complained against and the sanctions imposed will be recorded in the Minutes of the Executives' meeting, and published on IHTAN's website.

7.8 If either party is unwilling to accept the outcome of this appeal, then a further appeal may be made to the Netherlands body in which IHTAN is incorporated.