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Effective from 1st April 2018 – complaints can be made up to three years after the cessation of counselling.

1. COMPLAINTS PROCEDURE

1.1. This complaints procedure covers Counsellor members / Registrants and Affiliated organisations of the Association of Christian Counsellors (ACC). Guidance about the process can be found at Guidance for clients http://www.acc-uk.org/public/ACC-register/Complaints_guidance_for_clients_January_2015_Final.docx

1.2. This document forms an essential part ACC's commitment to protect members of the public and the reputation of the profession.

ACC Members / Registrants /Affiliated Organisations and the general public should view this procedure as an umbrella over local complaints procedures. This procedure should only normally be resorted to when local complaints procedures have been exhausted.

1.3. The contract that a client has with an individual counsellor or an organisation should give information about Complaints Procedures including information on how to access the ACC procedure if local procedures do not resolve matters. Clients should be told to contact ACC Head Office if they wish to use the ACC Complaints procedure.

1.4. This document is produced to inform and enable safe professional practice by counsellors who work from a Christian standpoint. The other documents that should be read in conjunction with this document are:

- Framework for Christian Counselling
- Ethics for Members of the Association of Christian Counsellors
- Good Practice in Christian Counselling and related fields

Footnote:- Throughout this document, references to an ACC post holder should be taken to include a deputy approved by the Board in the event of the post holder being unavailable or having a conflict of interest. (Ethics and Practice Complaints Procedure 1.4)

2. BRINGING A COMPLAINT

2.1. ACC will implement its Complaints Procedure in the following way:

2.2 The basis for making a complaint is a breach of "Ethics for members of the Association of Christian Counsellors" (The current version of this document can be found on the ACC website: - www.acc-uk.org or Ethics and Practice.)

2.3. In order for a complaint against an ACC Member / Registrant, affiliated organisation to be considered, it should normally be lodged within three years of the alleged breach occurring. ACC recognises that any complaints process can be daunting and sometimes distressing, therefore, ACC will offer someone to impartially help you understand which areas you believe were breached, and where necessary to support and guide you through the complaints process. This does not mean the person agrees with your complaint but they will provide support to minimise the difficulty of filling in the form appropriately and other aspects of the process, as necessary. If you are unable to

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complete the form or access the complaints process owing to disability or other means, please contact the ACC Office/Registrar for further guidance. The complainant should give the details of the complaint in writing to the Executive Chair of ACC or use the form on the ACC website. The following information should be included:

- the name of the person and/or organisation against whom the complaint is made.
- the date or dates of the alleged breach of professional ethics.
- the place or places in which the alleged breach occurred.
- whether the alleged breach took place within a contracted counselling relationship or the context of the relationship or if you are a third party
- the name of the organisation (if any) to which the counsellor belongs.
- the details of the complaint in writing, signed and dated.

2.4. A complaint not satisfying the above conditions will not usually be processed. Complaints will normally only be investigated when the person or persons who were involved or affected by the alleged incidents and/or their duly appointed representatives (i.e. an appropriate third party may) initiate the complaint. ACC does not normally accept anonymous complaints.

2.5. Before making a complaint, the complainant is normally expected to have sought to resolve the matter through the individual counsellors or organisational members' complaints procedure. There should be adequate demonstration that all informal channels, or in the case of organisational members, all internal processes and procedures have been exhausted. This includes the possibility that ACC will explore with you the idea of mediation if that seems a more acceptable route for local independent resolution. ACC accepts there are some exceptional circumstances where the complainant is unable, or it is inadvisable, to pursue their complaint with the individual or agency concerned. If you believe this to be the case, please contact the Executive Chair/Registrar in the first instance.

2.6. All records will be held for a period of two years only, except for a summary of the complaint and the decision of the Panel. Complaints upheld against a member/registrant and related sanctions will be published on the website and notified to other appropriate agencies. The Association reserves the right to distribute any findings upheld against a member where it considers it just and right to do so in all the circumstances.

2.7. No expenses will be paid by the Association in respect of travel or other expenses incurred either by the complainant or the person complained against.

2.8. The protocols followed will be those laid down by the Association from time to time. These will be administered by the Executive Chair.

2.9. The Association reserves the right to initiate the complaints process itself when information obtained from any relevant source warrants investigation

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3. COMPLAINTS PROCESS

3.1. On receiving the complainant's letter, the Executive Chair of ACC will write to acknowledge it, normally within 7 working days, and then begin the process of determining whether and investigation needs undertaking.

3.2. The Executive Chair of ACC may, after consulting with [the Register Advisory Panel], suspend a counsellor, an organisation from affiliation or a participant from the Register from accreditation and/or membership.

The Register Advisory Panel (RAP) is an independent panel of lay representatives that advise ACC on ethical and professional conduct matters and their Chair is consulted in these matters.

3.3. The Executive Chair can make this suspension with immediate effect and it will continue until the investigation is complete and the Disciplinary Panel and the Appeals Panel have made their decisions.

This falls under the Interim Sanctions policy at 8.1.6 and is a discretionary power of Disciplinary Panels or the Chair in consultation with the Register Advisory Panel, and publication will clearly state terms of length and whether a counsellor can continue to practice. This will happen after consultation with the parties concerned before it is finalised e.g. if an appeal is being lodged. [See section 5.10 below.]

3.4. No liability for any loss suffered, or expenses incurred, will attach to the Association for the suspension of membership or rights of membership even where a complaint is not upheld.

3.5. The Executive Chair of ACC will write to the person against whom the complaint was made, normally within 14 working days. This letter will explain what the complaint is about and include a copy of the complaint submitted.

3.6. Where necessary, the Association will take legal advice to guide it as it investigates the complaint. It will continue to do so throughout the duration of the investigation, as necessary.

3.7. The Chair of ACC will ask a suitable person to act as a complaint investigator and to conduct the preliminary investigation.

3.8. ACC will carry out the investigation through correspondence unless it is decided that the relevant parties need to meet with the appointed complaint investigator.

3.9. The complaint investigator has the authority to request copies of the counselling contract, advertising material, supervisor's report and training certificates. In addition, the Executive Chair of ACC may give permission for the complaint investigator to access accreditation files. The Chair will only give permission for access to be requested to other material (e.g. summary case notes) if the party concerned (e.g. the client) gives ACC written permission to do so.

3.10. When the investigator has collated all relevant information, the findings will be submitted to a Pre-hearing Assessment Panel, normally consisting of two accredited counsellors (where possible one from their own model of therapy) and a lay person. This

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panel will decide whether there is a *prima face* case to answer and therefore whether to accept the complaint to be dealt with by the Disciplinary Panel, refer it back for further information/clarification, or reject it. The Panel has the discretion to interview the complainant and/or the person(s) complained against if deemed appropriate.

3.11. If further information/clarification is requested, upon receipt of same, the complaint will be re-submitted to the Pre-hearing Assessment Panel which will decide whether to accept it to be dealt with at Disciplinary Panel or reject it.

3.12. If the complaint is rejected by the Panel, the complainant and the person(s) complained against will be formally notified. If the decision is not to proceed to a disciplinary hearing the complainant will be informed including the reasons. In this case the complainant will have opportunity to appeal this decision by providing further information or giving acceptable grounds for a disciplinary hearing to take place. If that is not provided satisfactorily the case will then be closed.

3.13 Once the complaint is accepted to be dealt with at Disciplinary Panel, the formal procedure will begin.

4. FORMAL PROCEDURE

4.1. When there is acceptance of a complaint, both parties will be notified in writing that the complaint is proceeding to the Disciplinary Panel.

4.2. A full copy of the formal complaint is then submitted to the member complained against and they then have 28 days from notification to respond to the complaint. Any response should be sent to the Executive Chair.

4.3. All evidence submitted either by the complainant or the person(s) complained against normally shall be available to the parties involved in the complaint. All relevant submissions made will be distributed by the Executive Chair/Registrar to the parties concerned. Material received by the parties must be treated as strictly confidential and may not be passed on elsewhere.

4.4. It is the duty of the parties concerned to comply with the protocols of the Association in relation to the Complaints Procedure. Any failure to comply may result in the termination of the procedure and/or termination of membership of the Association.

4.5. Failure to renew membership or resignation from membership or withdrawal from the Register during the course of a complaint will not terminate nor invalidate the hearing of the complaint by the Association.

4.6. The Disciplinary Panel shall consist of two counsellors and a lay person who have had no involvement so far in the complaint. Members have a duty to declare any interest which may affect their impartiality, or be likely to be considered to do so, when approached by the Executive Chair of ACC (who is responsible for convening the Disciplinary Panel).

4.7. The purpose of the Disciplinary Panel is to examine the complaint and decide whether the complaint is proved or not.

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4.8. The Disciplinary Panel will receive reports from the complaint investigator (who may make a recommendation to the Panel) and all parties to the complaint may attend and put their case. One person of their choosing may accompany parties attending. ACC will not normally be responsible for the costs of parties attending. The venue will be at a place of the Association's choosing.

4.9. All written evidence and/or submissions and witness statements, from all parties concerned, must be submitted in advance to the Executive Chair. This must be not less than 28 days prior to the date fixed for the Panel's hearing. Such papers will be submitted to all concerned in the Disciplinary Hearing within a reasonable period prior to the hearing.

4.10. The Chair of the Disciplinary Hearing (who will be elected by the Panel after convening) will determine whether or not new evidence will be accepted on the day of the hearing, on advice.

4.11. Parties wishing to call witnesses must notify the Executive Chair, 28 days in advance, giving the name and details of such witnesses. Attendance will only be permitted by the Chair of the Panel if the witness has supplied a statement which requires clarification. The Panel has discretion to refuse attendance by a witness if it reasonably believes that such attendance is not relevant or will not add any weight to the issue(s) under consideration. Witnesses may be questioned by the Panel and either party connected with the case.

4.12. Where either party fails or refuses, without good reason or notice, to attend the Disciplinary Panel, the Chair has the power to decide to:

- Proceed with the hearing in their absence;
- Adjourn to another date; or
- Terminate membership after due process

4.13. The Panel will normally make their decision on the day of the hearing. However to comply with the Standards required by the PSA in holding an Accredited Voluntary Register this decision will be reviewed by the RAP to ensure the outcome is fair, effective, proportionate, transparent and consistent.

4.14. ACC will write to the complainant and the person(s) complained against to inform them of the decisions of the Disciplinary Panel within 28 days.

4.15. Where a complaint has been upheld, the decision of the Disciplinary Panel, together with details of any sanction(s), will be published on the Association's website and in the next journal of accord in such detail as deemed appropriate to the findings and at its discretion. These are most likely to include

- - A summary of the complaint
- - The member's details
- - The Findings of the Disciplinary Panel
- - The details of sanctions imposed and the timescale for meeting these
- - Details of suspension of membership
- - Details of termination of membership

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- In its journal ACC will publish reference to the above and the location on its website.
- The *Check the Accredited Register* web site facility will state the sanction imposed on the member's entry record.

4.16. ACC aims to complete this Complaints process within 6 months.

5. DISCIPLINARY MEASURES

5.1. ACC will carry out any disciplinary measures which the Disciplinary Panel decides are appropriate. These may include one or more of the following sanctions. These may be imposed at any given time:

5.2. A written warning, which may include a request for an apology and an undertaking that there will be no further breach of the Code.

5.3. A requirement for the person or organisation complained about to undertake further training or for a supervisor acceptable to the ACC Disciplinary Panel to monitor their work.

5.4. Suspension of the accreditation of an individual or of the affiliation of the organisation or of participation in the Register for a period of time until they have met any conditions that the ACC Disciplinary panel specified.

5.5. The permanent withdrawal of accreditation or participation in the Register with a request to cease counselling/ training/supervision immediately. If this option is selected then membership of the Association will cease from that date.

5.6. Suspending or excluding a person or organisation from membership of the Association or from participation in Register.

5.7. This list is not exhaustive and disciplinary measures may include such other measures as may be appropriate and fair in the circumstances.

5.8. Failure to comply with any sanction will result in the immediate termination of membership and/or participation in the Register, with the decision being published on the ACC website and in the Association's journal accord. The disciplinary panel are responsible for this decision and the Registrar will enact it.

5.9 The use of 5.2, 5.3, 5.4, 5.5, 5.6 or 5.8 will require this fact recorded against their name in the register and in ACC's Find a Counsellor facility for the protection of public safety.

5.10 The timescales for publication and or removal of sanctions are to be found in our Indicative sanctions Policy as follows: [numbering matches the numbering from the indicative sanctions policy]

"8. Timescales of publication of sanctions

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8.1.1 Mediation - no publication if accepted and resolved. Practice may be continued if appropriate while this process is carried out.

8.1.2 Caution - From 1 to 5 years depending on the circumstances but decided by the Panel. Benchmark is 3 years as a guide and removed when resolved if the panel agree. Practice may be continued if appropriate.

8.1.3 Conditions of Practice – 1 to 3 years (maximum) but a guide of 2 years can be made before a counsellor may request variance, replacement or revocation. Practice may be continued under the conditions placed upon the counsellor.

8.1.4 Suspension Sanction – not exceeding one year. While in place the counsellor cannot practice. A registrant who is suspended cannot practice (and the register is marked accordingly) and the sanction removed when the panel is satisfied the issue is resolved.

8.1.5 Removal from Register – When used it will mean withdrawal of membership. The counsellor can no longer practice. Only if new evidence comes to light can the counsellor apply for restoration within 5 years. The register will publish this fact of Removal on the ACC website for the whole period unless this happens.

8.1.6 Interim Sanctions - This is a discretionary power of Disciplinary Panels or the Chair in consultation with the Register Advisory Panel Chair, and publication will clearly state terms of length and whether a counsellor can continue to practice. This will happen after consultation with the parties concerned before it is finalised e.g. if an appeal is being lodged. If the panel decides to issue an interim order, it will notify the registrant who will have seven days in which to appeal. Interim orders are published and remain so until the outcome of the hearing. If interim suspensions are used, the register will be annotated and the registrant will also be removed from the 'Find a Counsellor' tool, so they will be unable to advertise through this medium whilst the sanction is in place. Interim suspension orders can be reviewed at any time at the registrants request if new information comes to light. If the case is not proven then the order is removed. If proven the Disciplinary Panel would either continue or amend the sanction and this would be recorded on the outcomes page on the website

8.1.7 Multiple Sanctions – as only one sanction can be normally used at the same time multiple sanctions are likely only to be used in rare circumstances. Publication timescale to be determined by the panel.”

6. APPEALS

6.1. The parties to a complaint may appeal against the decisions and any sanctions of the Disciplinary Panel by writing to the (Executive) Chair of ACC within 2 weeks from the date on which they are notified of the decision. The letter must state the grounds for appeal.

6.2. An Appeal will not be granted unless the (Executive) Chair of ACC after consultation with the Chair of RAP considers:-

- that there is insufficient evidence available, or likely to be available, to satisfy the grounds for appeal.

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- that the Appeal is frivolous or vexatious.

This decision will be final.

6.3. An appeal will be considered on any of the following grounds:

- the decision was made against the weight of evidence.
- the sanction applied is disproportionate to the findings of the Panel and is unjust in all the circumstances.
- there is evidence to suggest that a procedural impropriety may have had a material effect on the finding and the Panel's decision.
- there is new evidence which was not available at the time of the Disciplinary Panel hearing.

6.4. When a person appeals, the (Executive) Chair will appoint an Appeals Panel of 4 experienced persons, including lay membership, especially convened for the purpose and will lay the complaint before them. The Panel members will not currently be part of the ACC Board, Executive or other significant Committees and will have had no previous involvement in the matters considered.

6.5. The Appeals Panel will consider the appeal fully (including allowing parties to attend a hearing as in 4.8 above) and, if necessary, will consult the Association's solicitor. The (Executive) Chair of ACC will write to the person or organisation complained against and the complainant to notify them whether the appeal was successful or not.

6.6. There is no further appeal beyond this point.

7. PUBLICATION

7.1. The Association will publish on its website the outcome of the Disciplinary and or Appeal Panel where the complaint is upheld in whole or in part together with details of any sanction(s) and these details will also be published in its journal accord in such detail as deemed appropriate to the findings. The individual member records will be annotated appropriately on the *find a counsellor* and *check the accredited register* web site functions.

7.2. The termination of membership or participation in the Register under the Disciplinary Procedures will be published on the ACC website and in the next Association's accord journal.

7.3. Any notification that the Association, under these procedures, is entitled to publish in its journal may, at its discretion, be published elsewhere.