



Complaints Management Policy

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Introduction

ACC holds an accredited register of counsellors and psychotherapists under the Professional Standards Authority (PSA). The PSA are the UK's regulatory body that oversees professions such as counselling and psychotherapy to protect the public. Counsellors and psychotherapists need to meet the standards set for entry into registered membership and comply with ACC's [Ethics and Practice standards](#) and meet [ACC Terms and Conditions of Membership](#).

In holding an accredited register, ACC is committed to meeting the standards set by the Professional Standards Authority, which are designed to:

- Protect the public from harm.
- Maintain public confidence in the professions.
- Declare and uphold professional standards.

As part of this commitment, ACC need to assess and investigate any complaints or concerns that arise within their registered membership.

This document sets out ACC's complaints management process that is aimed at protecting the public by removing therapists from ACC's accredited register of counsellors and psychotherapists who are found (on the balance of probabilities) to have committed serious professional misconduct. Serious professional misconduct refers to a failure by the registrant to meet professional standards that is of sufficient gravity that a period of suspension or removal from the register may be warranted.

The complaints process is also designed to allow for a proportionate and constructive process of review and feedback to registrants for less serious complaints about aspects of their practice and/or behaviour. These are actions that are experienced as unhelpful or harmful by clients, for which developmental actions by the counsellor or psychotherapist may be required to address issues. This part of the process acknowledges that counselling and psychotherapy are professions which can be complex and subject to different emphases and approaches.

It is important for all parties involved to fully cooperate with the process and to act with integrity.

Undergoing or participating in a complaints process can be a very stressful experience. It is advisable for members who are subject to a complaint to access appropriate professional and personal support from their supervisor and others within the bounds of confidentiality¹. Similarly, those bringing a complaint against a registrant are advised to seek support as is appropriate for them.

In all cases, ACC can provide impartial support about the process and procedures for the parties involved in the complaints process.

Navigating ACC's complaints procedure can be complicated, as it involves multiple possible routes. These range from providing or receiving feedback to undergoing fitness to practise investigations and facing potential sanctions. This document sets out all the potential processes. It also refers to and interacts with several other ACC policy documents, guidance, and forms. These policies and documents will be linked in the text as relevant and are listed in Appendix 7. The Appendices also contain further information, including a glossary of key terms used throughout the document and flow charts detailing the overall and specific processes. Other contextual information on ACC's ethics, policies, and governance can be found [here](#).

For an overview, please read the abridged version of this document, the 'ACC Complaints Management Overview Guidance' [link]. **In process**

Scope

This document is intended as a guide to the processing of complaints and concerns against ACC members who are registered counsellors/psychotherapists. For an overview of the complaints process, see [diagram 1](#) in the appendices.

There is a different process for making complaints against ACC counselling organisational members, ACC non-counselling professional members and about [ACC staff or trustees](#). Complaints against student members on placements need to be made to the placement agency and then students' training college [link].

¹ See [glossary of terms](#)

Aims

The key aims of ACC in managing complaints against registered members are to:

- a. Be open and fair throughout the whole complaints process to all parties, in line with ACC's policies and its commitment to [equality, diversion, and inclusion](#).
- b. Protect members of the public by encouraging registrants' professional awareness, reflection, and development; and, where justified, suspend, apply sanctions/limitations of practice or remove a registrant from ACC's accredited register of counsellors and psychotherapists.
- c. Be responsive and effective in dealing with emerging risks within the profession, such as the impact of technological or other therapeutic advancements on practice.
- d. Be professional and proportionate: distinguishing between serious behavioural breaches of the code of ethics and those which arise out of mistakes and/or complexities in applied clinical practice.
- e. Allow for acknowledgement of hurt and harm done to others, whether intentional or not.
- f. Allow for learning and professional development of the registrant.
- g. Report anonymised trends to relevant professional organisations and/or within ACC to inform risk management, ensure best practice in the profession, track numbers of complaints, outcomes, and time frames for resolution, and review the effectiveness of ACC's complaints processes.

ACC is accountable through our [Register Advisory Panel](#) (RAP), [Board of Trustees](#), and the [Professional Standards Authority](#) (PSA) for conducting our complaints processes in line with these guidelines.

In this document, the terms "member" and "registrant" are used interchangeably and mean a current or former counsellor or psychotherapist who is or has been on ACC's accredited register of counsellors and psychotherapists (see points 1.6, 1.30-1.32 for further information on complaints against former members).

1 General points

Who can make a complaint or raise a concern?

1.1 Anyone can raise a concern or make a complaint about an ACC registrant.

What counts as a complaint or concern that is within the scope of this complaints process?

1.2 Complaints and concerns can relate to a registrant's provision of therapeutic services, and/or conduct which is materially relevant to a registrant's fitness and competence to provide such services.

1.3 Complaints and concerns must relate to a breach of [ACC's Ethics and Practice Standards](#) and/or [ACC's Terms and Conditions of Membership](#) for counselling and psychotherapy.

Time limits

1.4 Complaints or concerns cannot normally be made longer than three years after the events giving rise to the complaint or concern occurred. However, if a historic complaint is received, it will be considered in relation to the:

- purpose of the complaint process, as set out in the introduction above
- assessed level of any ongoing risk of harm
- feasibility of investigating the complaint given the lapsed time
- the reasons for the delay in disclosure

1.5 The Chair of ACC, in consultation with an Independent Reviewer², will determine whether a historic claim can be investigated in the public interest.

1.6 In all cases, ACC cannot investigate complaints against former members of ACC. In cases where a registrant resigns or fails to renew membership when a complaint has been received or is in progress, see 1.31.

² See [glossary of terms](#)

Complaints investigated by another accredited register

- 1.7 Some registrants may belong to more than one accredited register. ACC will not investigate a complaint that is already in the process of being investigated by another accredited register. Registrants are responsible for notifying ACC of any such complaints against them. In these circumstances, ACC will determine the risk to public safety and may impose a temporary suspension on any aspect of the registrant's practice in line with any temporary suspension imposed by the investigating membership body. This is in accordance with ACC's [Safeguarding and Restoration Policy](#).
- 1.8 When the outcome of a complaint results in the removal of a counsellor from an accredited register of counsellors, ACC will also remove the registrant from ACC's register in line with the Professional Standard's Authority Accredited Registers Collaborate (ARC) Information Sharing Protocol. The ARC Information Sharing Protocol is an agreement for sharing information and recognition of disciplinary outcomes between the professional accredited registers.

Parties' obligations

- 1.9 The complaints process relies on parties' and witnesses' commitment to being open and honest, to act with integrity, and be willing to fully cooperate with the process. ACC reserves the right to request and inspect photographic identification documents, such as a passport, driving license, to confirm the identity of any party in the complaints process.
- 1.10 Registrants are required, as a condition of membership, to fully comply with the complaints process, which includes providing information promptly as requested and attending meetings, panels, and hearings.
- 1.11 Complainants are also expected to cooperate with any investigation, provide information in a timely manner to ACC and attend as requested meetings, panels and hearings.

Medical assessment

- 1.12 Where a Practice Review or a Fitness to Practise Procedure relates to a registrant's physical or mental health, the registrant may be asked to undergo a medical or psychological assessment at their own cost with an appropriately registered professional. The results of the assessment will be made available to ACC and (where required) Panel Members to aid risk assessment and decision making.
- 1.13 Where a registrant refuses to undergo a medical or psychological assessment, this will be made known to the Panel Members involved in any hearings.

Variations in complaints management

- 1.14 Unusual circumstances may give rise to the need to make specific changes to the complaints management process. All these changes, variations, or adjustments must:
- have a clear rationale for the change
 - be in keeping with the key aims set out in the introduction above
 - be approved by ACC's Chair and the Chair of ACC's Register Advisory Panel (RAP)
 - be documented and communicated to the parties, and all those involved in the complaint process, as appropriate.

Managing documentation and recordings relating to complaints³

- 1.15 ACC recognises that the data involved in investigating a complaint is highly confidential and sensitive, particularly when dealing with client and supervision notes.
- 1.16 The policy for documentation and recordings relating to complaints (all email communication, Word documents, video and/or voice recording, and transcripts of meetings, printed documentation, etc.) is that all data will be

³ ACC are registered with the Information Commissioner's Office (ICO) as the Data Controller for complaint related information. Anyone under contract with us including Reviewers, Investigators, and Panel Members are acting as data processors and adhere to relevant data legislation and ACC's Data Retention Policy.

treated as highly confidential and will not be shared with anyone other than those directly involved with the complaint investigation and process.

- 1.17 Those directly involved in the complaints process may include some ACC staff, those providing services under a contract with ACC for specific roles within the process, and those acting in a voluntary capacity, for example, the Chair of ACC and the Chair of RAP.
- 1.18 Documentation and recordings relating to complaints will be stored on ACC's secure electronic filing systems in line with [ACC's Data Retention Policy](#).
- 1.19 All of those appointed by ACC to be involved in the complaints process will be bound by confidentiality agreements and terms of agreement, which oblige them to keep all documentation relating to the complaint secure and to delete the complaint information once they have completed their role within the complaints process.
- 1.20 A summary of the complaints process and outcomes, together with supporting documentation, will be kept in line with [ACC's Data Retention Policy](#).

Sharing of information relating to complaints management

- 1.21 Normally, information about a complaint, including submissions from the parties, supporting evidence, and information obtained as part of the investigation, will only be shared by ACC with relevant staff and those appointed by ACC who are directly involved in the complaints process.
- 1.22 ACC may also be obliged to share information with other accredited registers for counselling and psychotherapy about registrants who are undergoing a complaint investigation and have applied or are applying for membership with another membership body. This will be under the terms of published Information Sharing Protocols and referenced in the Terms and Conditions of Membership.
- 1.23 Additionally, information relating to the complaint that is relevant to the investigation can be shared with others as appropriate in order to establish the facts of the case. For example, an investigator must be free to approach

a member's supervisor or employer to explore specific concerns relating to Fitness to Practise that are part of the investigation.

Sharing information relating to safeguarding and other concerns

1.24 ACC may share information gained during a complaint investigation with relevant authorities if safeguarding concerns are raised, if there is evidence that a serious crime⁴ has been committed, or if there is a legal obligation to do so.

Concerns relating to ACC's processing of complaints

1.25 Where parties are concerned about how a complaint is being dealt with by ACC, they should, in the first instance, contact the Chair of ACC, by emailing chair@acc-uk.org, setting out their concerns.

1.26 If the issues are not addressed satisfactorily, then a formal complaint can be raised using the appropriate process set out on ACC's website, accessed on this [webpage](#). In some circumstances, if there are grounds to make a complaint about a Panel Member, Investigator, or Independent Reviewer who is not an ACC member, ACC would reserve the right to raise a complaint to their professional body or employer, as appropriate.

1.27 Formal complaints about ACC raised by either party will not normally impact on progressing the complaint against the registrant as set out in this document.

Vexatious behaviour

1.28 Vexatious or obstructive behaviour on behalf of the registrant will result in ACC taking appropriate action, which may include, for example:

- issuing a written warning to desist from further vexatious behaviour.
- refusal by ACC to continue to engage with vexatious communications from the registrant or their representatives, except for a practising solicitor.

⁴ See [glossary of terms](#)

- submitting evidence of the registrant’s vexatious behaviour to the Complaint Investigator and Panel Members for them to consider as evidence of impairment in addition to the original complaint.
- in consultation with an Independent Reviewer, withdrawing membership of ACC. The decision will be noted on the registrant’s register entry, and the ARC Information Sharing Protocol⁵ will be applied.

1.29 Vexatious or obstructive behaviour on behalf of the complainant will result in ACC taking appropriate action, which may include, for example:

- issuing a written warning to desist from further vexatious behaviour.
- refusal by ACC to continue to engage with vexatious communications from the complainant or their representatives, except for a practising solicitor.
- submitting evidence of the complainant’s vexatious behaviour to the Complaint Investigator and Panel Members for them to consider.
- in consultation with the Chair of RAP, and balancing public safety concerns, the termination of the complaint investigation and process.

Membership renewal

1.30 Where a registrant chooses not to renew their membership and a complaint relating to serious professional misconduct is in process, and the risk of harm level is assessed as high, then the complaint process will still continue in full.

1.31 In other cases, ACC will encourage the registrant to participate in the complaints process to resolve matters. Where the registrant is unable or unwilling to participate, then the complaints process will be put into abeyance, and records will be kept in line with ACC’s Data Retention Policy. The registrant must apply to rejoin ACC through the restoration of membership process, which can be found in ACC’s [Safeguarding and Restoration Policy](#).

1.32 If new information about the complaint comes to light during the process, and/or up to three months after the registrant’s resignation, which is

⁵ See [glossary of terms](#)

assessed to be serious professional misconduct/fitness to practise, then the complaint process will be progressed accordingly.

Members' responsibilities to notify ACC of complaints and charges

- 1.33 It is the ACC registrant's responsibility to notify ACC if they have become subject to criminal or civil proceedings of any kind, or if a complaint has been made about them in another professional counselling or aligned membership body or employment. A declaration relating to current and/or historic complaints and charges is made by counsellors on first applying for the register and on annual renewal of their membership.
- 1.34 Where a registrant fails to inform ACC of a complaint or charge made against them promptly and/or makes a false declaration of the same on joining or renewing their membership, ACC reserves the right to remove them from ACC's register for a breach of the Terms and Conditions of Membership (for further details, see ACC's [Safeguarding and Restoration Policy](#)).
- 1.35 Where a registrant informs ACC of a complaint made against them through another professional body or employment, or a civil or criminal charge, then the registrant will be subject to ACC's [Safeguarding and Restoration Policy](#). A safeguarding panel may be convened (when justified) to assess risk and determine the appropriate actions.

Multiple complaints

- 1.36 Where more than one complaint is received about a registrant in the same time frame, i.e. there is still an open complaint, the following guidelines will apply:
- When the complaints relate to the same incident or event which is reported by third parties, then ACC will act as the complainant, with individual concerns collated into one complaints process.
 - When more than one complaint is received by clients receiving therapy together from a registrant (for example, in couple, group, or family therapy), then the complaints will be collated and managed together as part of the same process.

- When more than one complaint is received about a registrant from clients who are not otherwise connected, then each complaint will be processed as an individual complaint independently of the others.

Patterns of complaints

- 1.37 Where a registrant is subject to more than three complaints over six years, then, after an assessment of the level of risk, they may be subject to ACC's Practice Review process, or Fitness to Practise Procedure as detailed below, if they have not already been subject to one of these processes or the previous complaints have not been upheld.
- 1.38 Where a new complaint is received regarding the professional conduct of a registrant who has had a complaint upheld within the previous three years, the Complaint Investigator or Independent Reviewer will determine whether the upheld complaint has any relevance to the new complaint and therefore should be considered by the Practice Review or Fitness to Practise Procedure.
- 1.39 Patterns of complaints and their outcomes can be considered by the Practice Review process and the Fitness to Practise Procedure, as detailed below.

Support and requesting a break during the complaints process

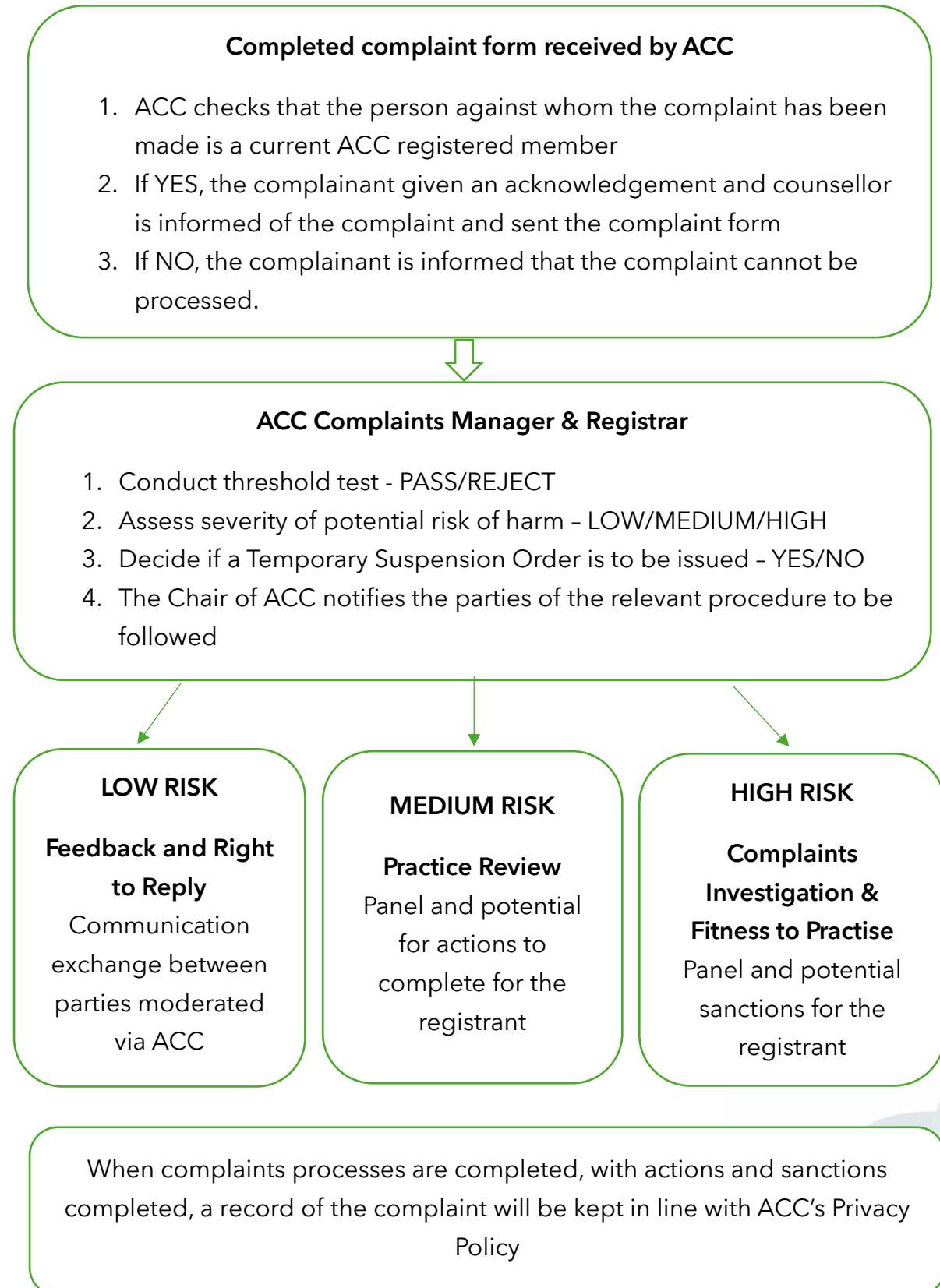
- 1.40 ACC recognises that the complaints process can be stressful for those involved, whether bringing or receiving a complaint, and will seek to provide impartial support and information to all parties about the complaints processes and procedures.
- 1.41 Reasonable adjustments will be made in the complaints process, where necessary, in accordance with the ACC's statement on equality, diversity and inclusion. For example, vulnerable complainants may attend panel meetings with their cameras turned off (subject to prior identification by the Chair of ACC); documentation can be made available in an accessible form, and parties may request brief breaks during longer panel meetings.
- 1.42 Whilst ACC cannot recommend or provide specific therapists for support, parties can be signposted to relevant resources to support them (such as

ACC's 'Find a Professional' service and other relevant professional organisations).

- 1.43 In certain circumstances, either party may submit a request for the complaints process to be paused. This could be, for example, because of a critical illness or a significant life event.
- 1.44 To apply for a break in the process, the party needs to apply in writing to the Chair of ACC with evidence to support the request. This will not unreasonably be refused. In the case of the registrant, they will not be able to practise until they are ready to resume with the complaint enquiry and will be placed on a practice break by ACC.

Complaints management process

Overview of the complaints process



2 Key stages

- 2.1 The process begins when ACC is notified of a concern or a complaint against a registered member of ACC. There are several ways in which ACC receives and responds to these notifications, which are set out in more detail below.
- 2.2 When a written complaint form is received, ACC will first check that the person against whom the complaint has been brought is a current registered member of ACC.
- 2.3 ACC will then assess whether or not the complaint or concern meets the criteria for a complaint that can be investigated by ACC (called 'the threshold test').
- 2.4 If the complaint meets the criteria, ACC will undertake an assessment of the risk to public safety if the complaint were to be upheld - this is referred to as the 'severity' level. The risk can be assessed as low, medium, or high.
- 2.5 The severity level of the risk will determine what procedure will be followed in the complaints management process: feedback and right to reply, practice review, or fitness to practise procedure.
- 2.6 If the severity level changes as the complaint process progresses, then the complaint procedure will change accordingly.
- 2.7 There are several different outcomes of the various complaints processes, known as recommendations or sanctions. There are recommendations focused on enhancing the member's understanding and learning/professional development, and/or sanctions, which are restrictions on practice, which can include removing someone from ACC's professional register. Decisions on recommendations and sanctions are made by independent panels.

Part 1 - Response to a complaint

3 Receipt of a complaint against a registered member

There are a number of ways by which ACC are made aware of a concern or a complaint against a registered counsellor.

Enquiry from a client

- 3.1 A client may contact ACC saying that they are thinking about or intending to make a complaint or raise a concern prior to submitting a complaint form.
- 3.2 In the case of a client complaining about a current registrant, ACC will explore with the complainant ACC's recommendation that they first try to resolve the issue with the registrant and/or, where relevant, via their counselling agency or other employer. If this is not possible or appropriate, the client will be directed to the guidance on making a complaint, highlighting the criteria needed to pass the threshold test and to submit a complaint form.
- 3.3 Help can be provided by ACC staff to fill in the complaint form if requested, and any reasonable adjustments for accessibility will be accommodated. Where this is not possible or appropriate, a member of ACC's staff will complete and submit the complaints form.

Enquiry from a third party

- 3.4 A member of the public may contact ACC, raising a concern about a registrant.
- 3.5 In the case of a third party complaining about a current registrant, ACC will direct the third party to firstly raise the complaint with the registrant's counselling agency or other employer if appropriate, or direct them to the guidance on making a complaint, highlighting the criteria needed to pass the threshold test and to submit a complaint form. Help can be provided by ACC staff to fill in the complaint form if requested, and any reasonable adjustments for accessibility will be accommodated. Where this is not possible or appropriate, a member of ACC's staff will complete and submit the complaints form.

- 3.6 In third-party complaints, ACC may act as the complainant as appropriate to the context.

Notification of an event concerning a registrant

- 3.7 A third party or client may contact ACC about an event or concern that is not directly related to a current or previous counselling relationship. This could be alerting ACC to an alleged current or historic criminal charge or civil proceeding against a registered member, or a current or historic complaint arising from employment or professional membership with another body.
- 3.8 Where a registrant has already notified ACC of the event in full, and ACC's Safeguarding and Restoration Policy has been invoked, no further action will be taken based on the notification.
- 3.9 Otherwise, ACC will contact the registrant and attempt to independently verify the event. If the registrant has failed to follow the Terms and Conditions of Membership in notifying ACC of complaints and/or charges, then ACC reserves the right to withdraw membership from them with immediate effect. A note will be made on the member's register entry that membership has been withdrawn with the reason stated, and the ARC Information Sharing Protocol will be followed. (See also ACC's [Safeguarding and Restoration Policy](#))

Receipt of a complaint in writing

- 3.10 Complaints should be submitted electronically using the complaints form available on the website. ACC will provide assistance and make reasonable adjustments if required.

4 Determining whether a complaint can be investigated

Threshold test

- 4.1 Complaints need to meet certain criteria before they can be actioned or investigated by ACC. This is called the threshold test. ACC's Complaints

Manager, in consultation with the Registrar, will decide whether a complaint meets all the criteria to pass the threshold test.

- 4.2 The Complaints Manager and/or Registrar will be professionally qualified counsellors (either in practice or retired) with relevant experience and expertise, with appropriate knowledge and understanding of the application of counselling ethics and practice.
- 4.3 A complaint passes the threshold test if it meets all of the following criteria:
- It is about a current ACC registered member.
 - It relates to a breach of ACC's Ethics and Practice and/or ACC's Terms and Conditions of Membership.
 - It is within the allowed time frame, which is normally three years after the event took place.
 - It is important and has value for the complainant and for others in similar circumstances.
 - It can be investigated, and there is a reasonable chance of determining a breach of code of ethics and practice.
 - It is likely to improve the registrant's service for the complainant and/or others in the future and/or to prevent harm to others.
- 4.4 For historic cases, where the complaint cannot be investigated and/or there is no reasonable chance of determining a breach of the code of ethics and practice, ACC reserves the right to invoke the Feedback and Right to Reply process⁶ so that the registrant is aware of the complaint and can respond if they wish.
- 4.5 Where a complaint passes the threshold test and relates to a non-counselling service delivered by the registrant (an adjunct therapy⁷) for which counselling membership of ACC is used to endorse their adjunct therapy, then ACC reserves the right in the public interest to conduct a complaint investigation and/or inform the relevant membership body (related to the adjunct therapy) and await their investigation.

⁶ See [glossary of terms](#)

⁷ See [glossary of terms](#)

- 4.6 For borderline decisions, the Complaints Manager and Registrar will consult with an Independent Reviewer. An expert or specialist adviser may also be called upon, where necessary.
- 4.7 Where a complaint does not pass the threshold test, the complainant or third party raising a concern will be informed of the outcome, and the complaint will be closed.
- 4.8 Where a complaint does pass the threshold test, it will undergo an assessment to determine the severity level of risk of harm. The severity level will then direct the procedure which will be followed.

5 Assessing severity and determining the procedure to be followed

Assessment process

- 5.1 The Complaints Manager, in consultation with the Registrar, will make an initial assessment of the severity of risk of the complaint if it were to be upheld. Complaints can be assessed as being either low, medium, or high in severity.
- 5.2 The risk assessment is based on the impact on clients/prospective clients and/or members of the public and/or the public confidence in the profession and ACC if the actions giving rise to the complaint are found to be true.
- 5.3 Assessments concerning levels of risk and resulting complaint procedures are made in line with an assessment of the degree of risk of potential harm to the public, together with relevant safeguarding concerns. Assessments will also seek to be proportional and balanced in relation to professional judgement of accepted clinical practice and the value of feedback and review.

Severity levels

5.4 The severity level will determine the procedure that will be followed in managing the complaint so that proportionate and appropriate actions are taken, as detailed below:

- A complaint that is assessed as '**high severity**' will include allegations of serious professional misconduct, which means behavioural breaches of ethics and practice codes which have or could result in a significant impact on the client, prospective clients, or other members of the public.
- A complaint that is assessed as '**medium severity**' relates to a complaint or concern where the counsellor has engaged with a client or a member of the public in a way that significantly diminishes the experience of the client or person concerned, puts them at a disadvantage and/or otherwise fails to honour the standards expected of the profession. The counsellor may have been acting in good faith and/or following a prescribed clinical approach to counselling and/or have made a misjudgement or mistake or acted without due competence relating to an aspect of their practice. The main purpose of the complaints process is for the complainant to be heard, their perspective understood, and for the counsellor, where relevant, to acknowledge any shortcomings or mistakes, and to learn from the experience, committing to address any relevant issues going forward.
- A complaint that is assessed as '**low severity**' may be thought of as a form of feedback to a counsellor about an aspect of their service which, from the client's or third party's perspective, could be improved.
- Examples of the severity levels are given in [Appendix 1](#).

Temporary and interim suspension orders

5.5 In some cases, it may be necessary to temporarily suspend a registrant's membership from the register to avoid a significant risk of harm to the public arising from the registrant's current practice. A Temporary Suspension Order can be served at any point in the complaints process if evidence emerges of significant risk of harm to members of the public

and/or significant impairment of the registrant's ability to fulfil the role of a counsellor/psychotherapist.

- 5.6 A Temporary Suspension Order will appear on the member's register entry on the ACC website.
- 5.7 In cases where a Temporary Suspension Order is served on a registrant, ACC will notify the registrant and initiate the Safeguarding Process as per ACC's [Safeguarding and Restoration Policy](#). This involves convening a Safeguarding Decision Panel meeting to determine whether the Temporary Suspension Order can be lifted, remain in place (e.g., when awaiting more evidence), or whether an Interim Suspension Order should be issued (to replace the Temporary Suspension Order) to the registrant whilst the complaint is being investigated.
- 5.8 Where the Safeguarding Decisions Panel determines that an Interim Suspension Order should be made, this will be notified to the registrant, and the information will be shared with other Accredited Registers according to the agreement specified in the current Accredited Registers Collaborative Information Sharing Protocol.
- 5.9 The Interim Suspension Order will be noted on the registrant's register entry on ACC's website, and the registrant will be removed from ACC's counselling directory for the duration of the suspension order.
- 5.10 ACC reserves the right to, where appropriate (e.g. if there is a legal or public interest obligation to disclose), notify the police and/or safeguarding authorities and/or a registrant's employer if the alleged behaviour relates to a serious crime and/or safeguarding issues (i.e. where there is an ongoing risk of harm to anyone).

Determining the process

- 5.11 The risk assessment determines the procedure that will be used to manage the complaint. These are summarised in the table below.

<p>Low Risk</p>	<p>Feedback and right to reply</p> <p>This procedure can be thought of as a form of customer satisfaction feedback process where the complainant is able to provide details of a concern, and the member will receive it as feedback to reflect on and respond to. The feedback and right to reply is moderated and facilitated by ACC, who may also meet with the registrant concerned.</p>
<p>Medium Risk</p>	<p>Practice review</p> <p>This procedure can be thought of as a form of constructive scrutiny, professional reflection and remedy, where professionals and lay people can review the counsellor’s practice in the light of the complaint, and set out actions as appropriate for professional development and training to ensure that the complaint is resolved and any practice issues are dealt with going forward.</p> <p>A Practice Review Panel meeting is convened consisting of professionals and lay people. The complainant and registrant are also invited to attend, and the evidence is considered in the light of professional and lay reflection on the details and circumstances of the complaint and the registrant’s evidence and responses.</p> <p>If the complaint, or part of it, is upheld, the registrant is usually asked to complete actions within a set time frame to help remedy the issue. These actions are monitored by ACC to ensure they are completed. The actions are not published by ACC or listed on the public register. The type of actions can vary, depending on the specific complaint.</p>
<p>High Risk</p>	<p>Complaint investigation and fitness to practise procedure</p> <p>This procedure is a complaint investigation process where serious allegations of professional misconduct and fitness to practise concerns are investigated. Evidence is gathered as appropriate and submitted to a Fitness to Practise Panel. The complainant and registrant are invited to attend. If the complaint is upheld, the registrant will be subject to sanctions⁸, including the possibility of their removal from the Register.</p>

⁸ See [glossary of terms](#)

Changes in severity level

- 5.12 Severity level assessments can change during the complaints process if new information or evidence is discovered as part of the complaint procedures set out below. A request can be made by ACC, the Complaint Investigators, Panel Members, or Panel Chairs for the complaint severity to be reconsidered at any stage in the overall process. Complainants and registrants may also make a request for the complaint severity to be reassessed in light of new information or evidence.
- 5.13 In light of new evidence, an Independent Reviewer will review the case, reassess the severity level and recommend what procedure will be reverted to and/or any variation to the procedures that is necessary, given the progress of the investigation up to this point. (Please see General Points, Variations in Complaint Management, above.)

Part 2 Complaints management procedures

Summary

This section sets out the three different procedures that will be followed depending on the assessment of the severity of the risk of the complaint.

Feedback and the Right to Reply is a straightforward process where a concern or complaint is shared with a registrant, and the registrant has a right to reply to the complainant. The process is only for concerns and complaints that are risk-assessed as low severity.

Practice Review is a process that takes into account applied clinical practice in various modalities and approaches, the complexity involved in the client's presenting conditions, good practice models, the registrant's admission of mistakes or learning points, and the client's experience of the therapeutic service. The main aim of the Practice Review is for the client's experience to be heard, and for the therapist to reflect on their practice with the client in order to learn from the experience and, where indicated, make changes to their practice and/or undertake further professional development.

A Practice Review may also be indicated where a registrant has been subject to criticism for behaviour outside of a direct therapeutic service that undermines the ethical principles of their therapeutic practice. In this case, the effect is on an existing or prospective client who might be impacted by the registrant's actions.

Complaint Investigation and Fitness to Practise Procedure is the process to be followed for serious professional misconduct that relates to behavioural breaches of the code of ethics, for example, dishonesty, exploitation of clients, or otherwise significant clinical impairment of a counsellor's ability to practise safely.

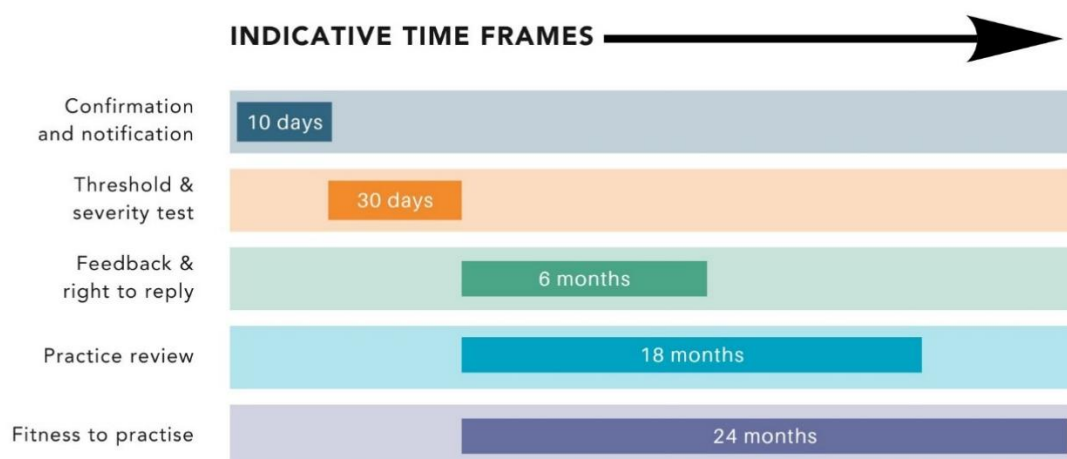
In a Fitness to Practise Procedure, in line with the Professional Standards Authority's guidelines, ACC will take on the role of the complainant. This does not preclude the complainant from raising the concern or from being a central part of the process as a principal witness.

The complaints process is designed to ensure that the registrant has a fair hearing, that panel findings are based on evidence presented and tested, and decisions are made on the balance of probability in relation to the complaint.

6 Indicative time frames

Lengthy involvement in a complaints process can be difficult for the parties, and ACC will aim to resolve complaints in a timely fashion. This has to be balanced against the need for a thorough and fair investigation of the complaint.

- 6.1 In all cases, ACC will write to the complainant to acknowledge receipt of the complaint and confirm whether the complaint can be processed based on a confirmation that the counsellor is a current ACC registrant. ACC will inform the registrant that a complaint has been received, together with a copy of the complaint. *This confirmation and notification will normally be completed within 10 days of receiving the completed complaint form.*
- 6.2 ACC will undertake the threshold and severity assessment and inform the registrant and the complainant of the complaint procedure that will be followed. *The information about the relevant complaint procedure will be communicated within 40 days of receiving the complaint form.*
- 6.3 There are indicative time frames for each of the different procedures, which may be affected by variations in the complaints process. These are:
- Feedback and Right to Reply - up to six months.
 - Practice Review - up to 18 months.
 - Fitness to Practise Procedure - up to 24 months.
- 6.4 ACC will seek to keep all parties updated on the progress of the complaint process where possible. Feedback and Right to Reply Procedure.



7 Feedback and right to reply procedure

- 7.1 Registrants are encouraged to notify and discuss the complaint with their supervisor.
- 7.2 Where required to do so, registrants must inform their insurers and any other professional organisations they belong to that a complaint has been made about their practice.
- 7.3 The registrant will be invited to meet with ACC to discuss the concern. Where appropriate, the registrant may also wish to submit a response to the complainant through ACC to explain their actions and/or to apologise. This is their *right to reply*. The registrant is not required to reply; in which case, ACC will contact the complainant to confirm that the complaint has been passed to the registrant as feedback.
- 7.4 Otherwise, the registrant will be given a reasonable time following the meeting, normally 30 calendar days, to submit a response to the complainant via ACC, providing any evidence in support of their response.
- 7.5 ACC reserves the right to moderate⁹ the registrant's response before being passed on to the complainant.
- 7.6 Provided that no new information subsequently comes to light or nothing in the registrant's response raises the severity level for the complaint¹⁰, no further action or correspondence will be entered into between ACC and the parties, and the complaint will be closed. Summary details of the complaint will be retained in line with [ACC's Data Retention Policy](#).
- 7.7 The indicative time frame for managing complaints through the Feedback and Right to Reply procedure is up to six months.
- 7.8 Variations can result in the complaints process taking longer, for example, if there is a change in the level of severity of risk. Also, circumstances may arise that are outside of ACC's control, which may impact the overall time frame of the complaint, such as a registrant or complainant drawing upon external advisors or awaiting third-party evidence.

⁹ See [glossary of terms](#)

¹⁰ Please see changes in severity level above

7.9 Low risk complaints, subject to this procedure, by their nature will not be included in any Information Sharing Protocols between counselling and psychotherapy membership bodies, except for where they have contributed to a pattern of complaints which progress to the Practice Review Procedure

8 Practice review procedure

8.1 The registrant will be encouraged to discuss the complaint with their supervisor.

8.2 Where required to do so, registrants must inform their insurers and any other professional organisations they belong to that a complaint has been made about their practice. Registrants may seek professional and legal advice if desired.

8.3 The registrant will be given a reasonable time to respond in writing to ACC to the complaint allegation, providing any evidence in support of their response. This will normally be within 40 days, extended if justified by the complexity or intricacy of the complaint, delays caused by external parties such as insurers or other extenuating circumstances.

8.4 The complainant will be given a copy of the registrant's response and will be given a reasonable time frame to submit comments and any additional evidence in support of their complaint. This will normally be 40 days extended if justified by the complexity or intricacy of the complaint, delays caused by external parties, such as insurers or other extenuating circumstances. The registrant will be given a copy of the complainant's further submission in preparation for the panel meeting.

8.5 A Practice Review Panel will be appointed by the Chair of ACC, taking due account of any requirement for knowledge of specialist areas of practice to be represented by Panel Members. Further details on the purpose and process of the Practice Review Panel are provided below.

8.6 A Practice Review Panel is normally made up of the following, one of whom will be appointed chair:

- Two counsellors/psychotherapists (who must be members of ACC or other professional counselling bodies that hold an accredited register).
 - Lay representative.
- 8.7 As required, a Practice Specialist or Expert by Experience may be brought in to inform the discussion and the panel's assessment.
- 8.8 The Chair of ACC, in appointing a Practice Review Panel, is responsible for:
- Ensuring Panel Members have signed ACC's standard confidentiality agreement and are familiar with ACC's Ethics and Practice, Terms and Conditions of Membership and ACC's EDI policy.
 - Checking for conflicts of interest before someone is invited onto the panel and documents relating to the complaint are released.
 - Briefing the chair and members of the panel on their roles and responsibilities.
 - Being available to advise on procedure as required.
- 8.9 The Practice Review Panel will be provided with a copy of the complaint form, the registrant's response and any further comments and evidence submitted by the complainant in advance of the meeting.

Practice review panel meeting

- 8.10 The purpose of the Practice Review Panel meeting is for the panel to critically review the situation and circumstances that gave rise to the complaint and, where necessary, to set out any learning or professional development activities that might be beneficial to the registrant's practice in light of the complaint.
- 8.11 Both the registrant and complainant will be invited to attend the panel meeting. Both can attend with someone to support them. The registrant's supervisor may also be invited to attend. However, no new information/evidence about the incident giving rise to the complaint can be submitted to the panel at this stage, and attendance is voluntary unless required by the panel chair to clarify any of the written submissions.
- 8.12 The panel can consider, among other things, whether or not the registrant:

- Acted in good faith based on applied and appropriate clinical practice at the time of the incident.
- Was aware of the situation that gave rise to the concern or complaint at the time and took appropriate action to try to resolve the problem and act well towards the client.
- Demonstrated insight into how and why the incident arose, with appropriate empathy for the experience of the client.
- Accepts, where appropriate, that they made mistakes.
- Identified any preventative actions to decrease the risk of recurrence of the circumstances giving rise to the complaint.

8.13 The panel will determine whether there are any further actions¹¹ required for the counsellor's learning and development, which may include, for example:

- Apologising to the client for mistakes made and/or adverse experiences.
- Making amends to the complainant by, e.g. refunding some or all of the fees paid [no other financial compensation can be considered].
- Writing a reflection on learning from the mistakes or an incident.
- Amending publicity material and websites in relation to the accuracy of information.
- Undertaking further continuing professional development and/or supervision/specialist supervision.
- Reviewing their counselling processes, e.g. administrative, clinical assessment, contracting, and/or referral processes.
- Agreeing to a voluntary restriction of practice for example with certain client groups or presenting conditions until further skills and training are obtained.
- Agreeing to have a practice break as a result of temporary impairment.
- Undertaking self-care/spiritual care activities.
- Undergoing personal therapy.

8.14 The panel should take into consideration any reflections or actions already taken by the registrant. The panel is free to discuss suggestions and recommendations with the registrant at the meeting with a view to gaining,

¹¹ See [glossary of terms](#)

where possible, a co-constructed remedy. The panel may also conclude that no further action is required.

- 8.15 In cases where the panel believe that the severity level of the complaint has increased, the panel chair can postpone or pause the Practice Review Panel Meeting and make a case to the Chair of ACC to determine whether the complaint's severity level needs to be re-assessed by an Independent Reviewer as set out in this policy.
- 8.16 ACC will review the panel's findings to ensure that the recommended actions are moderated, that is, that the actions are in line with actions recommended in comparable cases.
- 8.17 ACC will write to the parties detailing the findings of the Practice Review Panel and outlining any actions to be undertaken and a timescale for completion.
- 8.18 Either party may request an Independent Review of the panel's findings within 30 days of receiving the outcome letter. Please see the Independent Review process below.
- 8.19 As the Practice Review is designed only for complaints that do not present a significant risk to members of the public resulting from professional misconduct, details of the Practice Review outcome will not be published on ACC's website.
- 8.20 Complaints subject to the Practice Review Process may be included in any Information Sharing Protocols between counselling and psychotherapy membership bodies.
- 8.21 Summary details of the complaint will be retained in line with [ACC's Data Retention Policy](#).

Independent review of the practice review panel outcome

- 8.22 If either party disagrees with the outcome of the Practice Review Panel, then they can apply for an Independent Review of the findings within 20 days of the findings being communicated.

- 8.23 An Independent Reviewer will be appointed by ACC, who has not been involved with the complaints process thus far.
- 8.24 The Independent Reviewer will have access to all documentation submitted to the Practice Review Panel and the Practice Review Panel meeting recording and/or transcript.
- 8.25 The Independent Reviewer may also consult with ACC about procedure and indicative actions in comparable cases.
- 8.26 The Independent Reviewer will report their findings to ACC.
- 8.27 ACC will share with the parties the outcome of the Independent Review.
- 8.28 In the case where the Independent Reviewer has made recommendations regarding the actions required of the registrant, then these will normally be seen to override the decision of the Practice Review Panel.
- 8.29 There is no further right to appeal for either party.

Managing actions arising from a practice review panel

- 8.30 The registrant must complete the actions within the agreed timescales, or their registered membership will be withdrawn. In these circumstances, the complaint will remain open. Counsellors may reapply to join ACC but must go through the restoration of membership process, which would normally include addressing any outstanding issues arising from an open complaint. More information on the restoration of membership can be found in ACC's [Safeguarding and Restoration Policy](#).
- 8.31 ACC will provide reasonable guidance to the registrant to help them achieve the actions set out as an outcome of the Practice Review Panel.
- 8.32 The registrant is, however, responsible for completing the actions within the time frame, meeting the cost of completing any actions, and notifying the Registrar when they are completed and providing evidence of completion.
- 8.33 When actions are completed, the Chair of ACC will write to the registrant and complainant to confirm that the complaint is closed.

- 8.34 Where a registrant fails to complete actions as a result of the Practice Review process, the Chair of ACC will hold a meeting with them to first ascertain whether there are mitigating circumstances that explain their failure and, where appropriate and possible, agree a revised plan.
- 8.35 Where there are no mitigating circumstances, or where the registrant has already been given a reasonable further time frame to complete the actions but has failed to do so, the Chair of ACC will consult with the Chair of RAP and determine whether the registrant will be permitted to renew membership at the next renewal date. Any application to return to membership would follow the [Safeguarding and Restoration Policy](#) and process.
- 8.36 The decision will be notified to the registrant, together with any conditions that need to be complied with before re-acceptance into membership through the restoration of membership process in accordance with ACC's [Safeguarding and Restoration Policy](#).

Indicative time frame

- 8.37 The indicative time frame for managing complaints through the Practice Review procedure is up to 18 months.
- 8.38 Variations can result in the complaints process taking longer, for example, if there is a change in the level of severity of risk or an Independent Review appeals process. Also, circumstances may arise that are outside of ACC's control, which may impact the overall time frame of the complaint, such as a registrant or complainant drawing upon external advisors or awaiting third-party evidence.

9 Complaint investigation and fitness to practise procedure

- 9.1 The registrant must inform their supervisor, insurers, and any other professional bodies or relevant organisations they belong to or are employed by that a complaint has been made about their practice, which has resulted in a Fitness to Practise process being initiated. Registrants may seek professional and legal advice.

Complaint investigation

- 9.2 A Complaint Investigator will be appointed to investigate the complaint. The Chair of ACC, in appointing a Complaint Investigator, is responsible for:
- Ensuring the investigator has signed ACC's standard confidentiality agreement and is familiar with [ACC's Ethics and Practice](#) and [ACC Terms and Conditions of Membership](#) and ACC EDI policy.
 - Confirming with the investigator that there is no conflict of interest with the parties, before being appointed and documents relating to the complaint are released.
 - Briefing the investigator about their role and responsibilities.
 - Being available to advise on procedure as required.
- 9.3 The investigative process involves interviewing the parties and witnesses; collating and verifying evidence relating to the allegations, including, but not limited to, interviewing the registrant's supervisor and accessing relevant counselling notes and records (with the client's written permission); and undertaking relevant research. Where the complaint relates to impairment, the investigator may request that the registrant provide medical reports or psychological assessments. The registrant will be responsible for any costs incurred in the reports or assessments.
- 9.4 Parties and witnesses must be made aware at the outset that all information shared with the investigator can be tested for its accuracy and included, if relevant, in the investigator's report. This may include sensitive personal data. If they are needed, confidential counselling notes and records will only be accessed with the client's written permission and only where directly relevant to the complaint. Refusal to allow access to confidential client information by the client may limit the information available to the Complaint Investigator and their ability to fully investigate the complaint.
- 9.5 The Complaint Investigator will produce a report that sets out the charges and the evidence in relation to serious breaches of ACC's Ethics and Practice and/or ACC Terms and Conditions of Membership documents.
- 9.6 The Chair of ACC will share the report with the registrant, who will be invited to submit a response and any additional witness statements that they

wish to. The Chair of ACC will produce a summary report for the complainant, sharing information as is appropriate. The complainant will also be invited to submit a response.

Fitness to practise panel hearing

9.7 ACC will convene a Fitness to Practise Hearing. The parties to the Fitness to Practise Hearing will be ACC and the registrant.

9.8 The purpose of the Fitness to Practise Hearing is to:

- Review the evidence presented in the Complaint Investigator's report.
- Assess responses to the report from the registrant and complainant
- To hear the case against the registrant as set out by ACC (acting as the complainant).
- Provide an opportunity for the registrant to explain their actions and set out mitigating circumstances for the panel to consider.
- To determine based on the evidence presented, whether the registrant has demonstrated serious professional misconduct or Fitness to Practise impairment
- And if so, the appropriate sanctions in line with [ACC's Indicative Sanctions Policy](#) [current published]

9.9 A Fitness to Practise Panel is normally made up of the following, one of whom will be appointed chair:

- Two counsellors / psychotherapists (who must be members of ACC or other professional counselling bodies that hold an accredited register), at least one of whom will be a non-ACC member.
- Lay representative.

9.10 As required, a Legal Representative, Practice Specialist, or Expert by Experience may be invited to take part in the panel by any party.

9.11 The Chair of ACC, in appointing a Fitness to Practise Panel, is responsible for:

- Ensuring Panel Members have signed ACC's Standard Confidentiality Agreement and are familiar with ACC's Ethics and Practice, Terms and Conditions of Membership and EDI Policy

- Checking for conflicts of interest before someone is invited onto the panel, and documents relating to the complaint are released.
 - Briefing the chair and members of the panel on their roles and responsibilities.
 - Being available to advise on procedure as required.
- 9.12 The registrant and the Principal Witness (the original complainant) will be notified of the date of the Fitness to Practise Hearing, and the registrant must make every effort to attend that date. Fitness to Practise Hearings will normally be virtual meetings. If the registrant can't attend on that date, then they must submit a request for postponement, and evidence needs to be submitted to verify their non-availability. The Panel Chair will determine whether the panel can be postponed, and if not, will set out the reasons for refusing the registrant's request for a postponement.
- 9.13 The registrant will be invited to submit any response they want to make to the Complaint Investigator's report, together with any further evidence and witness statements in support of their case (not already considered by the Complaint Investigator), at least 30 days before the date of the Fitness to Practise Hearing.
- 9.14 The person who raised the complaint against the registrant will have a role as a Principal Witness and can also submit a response to the Summary of the Complaint Investigator's report and any evidence or witness statements of their own (not already considered by the Complaint Investigator) within the same time frames.
- 9.15 ACC, acting as the complainant, may submit a response to the Complaint Investigator's report and any witness statements (not already considered by the Complaint Investigator) within the same time frame.
- 9.16 All submitted information will be shared with the panel, the parties and as appropriate, with the Principal Witness.
- 9.17 The registrant is required to attend the panel hearing and may have a support person and/or a legal representative attending with them, either one of whom can speak on their behalf. Where registrants indicate that they will not attend the meeting, then the Fitness to Practise Hearing will take place in their absence.

- 9.18 The Principal Witness is invited to attend but can choose not to. They can also bring a support person who can speak on their behalf.
- 9.19 Other witnesses will only be allowed to attend the meeting if invited by the Panel Chair to explain anything that is unclear in their submitted statements.
- 9.20 Otherwise, no one else will be allowed to attend the meeting. This is because sensitive and confidential information about the complainant and the registrants is likely to be discussed.
- 9.21 Vulnerable complainants can apply to/or be invited by the Panel Chair to give evidence from 'behind a screen' by turning off their camera during the meeting. In this case, the identity of the complainant must be verified by the Panel Chair prior to the meeting opening to other attendees.
- 9.22 The Panel Chair will conduct the meeting to ensure that:
- There is a clear presentation from ACC of the alleged breaches, and supporting evidence is provided.
 - Each alleged breach is examined in the light of the evidence presented, with parties questioned as required, to establish on the balance of probabilities the facts of the case.
 - The registrant has the opportunity to admit to misconduct in relation to the allegations made and express remorse and/or regret (if freely forthcoming and appropriate).
 - Any mitigating factors can be put forward by the registrant, together with a statement of impact on the counsellor's professional awareness, knowledge and understanding, and steps taken to mitigate the risk of the events reoccurring.
 - To hear an impact statement from the Principal Witness.
 - To allow any remarks/observations from Panel Members and parties' representatives that have a bearing on the case, for example professional assessment of the counsellor's actions.
- 9.23 The Panel Members will adjourn to consider their findings and sanctions with reference to ACC's Indicative Sanctions Policy, mindful of their responsibility to protect members of the public and to uphold the standards of the profession, whilst ensuring that the registrant's sanction is

proportionate and not intentionally punitive (although the effect of the sanctions imposed may limit their practice, professional standing and livelihood).

9.24 Examples of sanctions include:

- Conditions relating to the registrant continuing in membership, for example, training, supervision, reflective writing, changes to administrative processes, and the timescales to achieve the conditions.
- Suspension of part of the practice for a set time, until a sanction has been completed. For example, a registrant may be restricted from working with a specific client group or specific issues until they have evidenced further training and contracted with a specialist supervisor.
- Suspension from practice for a period of time in order to undertake further training or to recover from an impairment. Where a registrant has been suspended, they can apply for their membership to be reinstated through the restoration of membership process when they have met the conditions set out for them (see the ACC's [Safeguarding and Restoration Policy](#) for more details on restoration of membership).
- Removal from registered membership of ACC, and the lapsed time allowed before they can reapply to join the register through the restoration of membership process. The panel has discretion to set an appropriate time frame.

9.25 ACC will review the panel's findings to ensure that the recommended sanctions are moderated, that is, that the sanctions are in line with sanctions recommended in comparable cases. ACC may consult with the Chair of RAP where there is a marked variance in the sanctions given, comparable to other cases. In which case, the Chair of ACC can make recommendations to the Fitness to Practise Panel Chair for the moderation of sanctions.

9.26 The panel will notify the parties of the findings and any sanctions of the Fitness to Practise Hearing. Parties have 20 days to appeal the findings and sanctions. ACC can submit an appeal on behalf of the Principal Witness in Fitness to Practise Hearings.

9.27 No sanctions will be enforced until the 20 days allowed for the appeal have passed, and where an appeal is raised, the appeal process has been

concluded. The exception is where the Panel has exercised its power of discretion to impose an Interim Suspension Order or uphold an existing Interim Suspension Order. Please see below for more information on the appeals process.

Publication of outcome and sanctions

- 9.28 In keeping with the ARC Information Sharing Protocol, any published sanction, suspension of practice or removal from registered membership of ACC will be communicated to other accredited registers of counsellors and psychotherapists under the Professional Standards Authority's Accredited Register scheme. This notification will not be done until the appeal process has been completed.
- 9.29 All complaints that have gone through a Fitness to Practise Investigation and Hearing will be listed on ACC's website with the outcome, irrespective of whether the counsellor remains a member of ACC. Some sanctions will also be noted on the register entry for the registrant.
- 9.30 When a counsellor is removed from ACC's register, they will be given a minimum time before they can reapply for registration through the restoration of membership process in accordance with ACC's [Safeguarding and Restoration Policy](#).

10 Appeals process arising from fitness to practise review

- 10.1 Both parties have the right to appeal the outcome of the Fitness to Practise Panel findings.
- 10.2 Grounds for appeal are specific and must be set out in writing.
- 10.3 Grounds for appeal include, for example:
- The Fitness to Practise Panel's findings are factually inaccurate, and the inaccuracies are significant and have a bearing on the decision outcome and sanctions.
 - The panel's findings have misrepresented the complainant's or registrant's position and actions in a significant way that has a bearing on the decision outcome and sanctions.

- New information has come to light which was not reasonably available before the Fitness to Panel Hearing.
 - The recommendations regarding sanctions seem unnecessarily harsh or lenient.
 - Due process has not been followed in the Complaint Investigation and Fitness to Practise Procedure.
- 10.4 The appeal will be assessed by a new Independent Reviewer who has not been involved with the complaints process thus far, and they will make a recommendation as to whether the grounds for appeal are sufficient for an Appeal Hearing.
- 10.5 The Independent Reviewer will be given all information relating to the complaint process and all documentation provided to the Fitness to Practise Panel.
- 10.6 The Independent Reviewer will be given access to previous and anonymised ACC complaint outcomes and will also review complaint outcome information in the public domain from other counselling/ psychotherapy accredited registers.
- 10.7 Where the Independent Reviewer recommends that the appeal has grounds, and where the appeal is solely on the grounds of the sanctions being too harsh or lenient, the Independent Reviewer will report their findings and recommendations to the Chair of ACC.
- 10.8 Where the Independent Reviewer recommends that the appeal has grounds because due process has not been followed, the Independent Reviewer can make a recommendation as to whether the process needs to be restarted and, if so, from what point. The Independent Reviewer's findings and recommendations will be presented to the Chair of ACC.
- 10.9 Where the Independent Reviewer recommends that the appeal has grounds because the process has allowed for mistakes, and/or new evidence is available, the Independent Reviewer can make a recommendation that an Appeal Panel be appointed.
- 10.10 Where the Chair of ACC has any concern about the outcome of the Independent Reviewer's recommendations, they can consult with the Chair

of RAP. The Chair of RAP may modify the recommendations of the Independent Reviewer or call for a second opinion through another Independent Reviewer.

10.11 The Chair of ACC will notify the parties to the complaint of the outcome of the appeal request, and if an appeal hearing is required, will give indicative timescales.

10.12 There is no further right of appeal for any party.

Appeal panel

10.13 The Chair of ACC will appoint an Appeal panel. In all circumstances, the Appeal panel must be made up of people who have had no prior involvement in the complaint.

10.14 The Appeal Panel is normally made up of the following:

- Two counsellors/ psychotherapists (who must be members of ACC or other professional counselling bodies that hold an accredited register), at least one of whom will be a non-member of ACC
- Lay representative (acting as chair)

10.15 As required, a Legal Representative, Practice Specialist, or Expert by Experience may be invited to take part in the panel.

10.16 The Chair of ACC, in appointing an Appeal Panel, is responsible for:

- Ensuring Panel Members have signed ACC's Standard Confidentiality Agreement and are familiar with ACC's Ethics and Practice, Terms and Conditions of Membership and EDI Policy.
- Checking for conflicts of interest before someone is invited onto the panel, and documents relating to the complaint are released.
- Briefing the Chair and members of the panel on their roles and responsibilities.
- Being available to advise on procedure as required.

10.17 The Appeal Panel will be given access to:

- All the papers that were submitted to the Fitness to Practise Hearing.
- A recording or transcript of the Fitness to Practise Hearing.
- The appeal documentation and the Independent Reviewer's report.
- Any statement submitted by the other party in response to the appeal.

10.18 The parties will be given at least 30 days' notice of the Appeal Panel Hearing, which will normally be held online.

Appeals panel hearing

10.19 The Chair will conduct the meeting to ensure that:

- The party appealing (ACC or the registrant) will be invited to present their case.
- The other party will be able to respond to the appeal.
- To allow any questions from Panel Members and any parties' representatives that have a bearing on the appeal.

10.20 The Chair and Panel Members will consider their decision and determine whether to dismiss or uphold the appeal. In upholding the appeal, the panel can set and change sanctions in line with the ACC Indicative Sanctions Policy.

10.21 There is no further right of appeal.

11 Restoration of membership process

11.1 If a registrant has been removed from the register as a result of a Fitness to Practise Hearing, they can apply to have their registered membership restored. Normally, this will not be considered until three years have passed since the sanction was imposed. However, the Fitness to Practise Panel or Appeal Panel can set an alternative review period if justified.

11.2 The registrant can submit an application to be restored to the register, which describes how they have reflected on the situation that caused their removal and what remedial actions they have taken to prevent their risk of harm to members of the public.

- 11.3 The application for membership restoration will be submitted to the Restoration Panel to consider in accordance with ACC's [Safeguarding and Restoration Policy](#).

12 Management of sanctions and closure of complaint

Completing actions and closing the complaint

- 12.1 When a complaint investigation, Fitness to Practise and any Appeal Panel processes are complete, the agreed action and/or sanctions will be passed to ACC's Registrar, who will then take responsibility for their management.
- 12.2 ACC will provide reasonable guidance to the registrant to help them achieve the actions set out as an outcome of the Fitness to Practise Procedure.
- 12.3 The registrant is, however, responsible for completing the actions within the time frame, meeting the cost of completing any actions, and notifying the Registrar when they are completed and providing evidence of completion.
- 12.4 When satisfied that the actions have been completed, the Registrar will notify the Chair of ACC, who will close the complaint and write to the registrant and the complainant, notifying them that the actions have been completed and the complaint is closed.

Failure by a registrant to complete actions

- 12.5 Where a registrant fails to complete actions as a result of the Fitness to Practise process, the Chair of ACC will hold a meeting with them to first ascertain whether there are mitigating circumstances that explain their failure and, where appropriate and possible, agree a revised plan.
- 12.6 Where there are no mitigating circumstances, or where the registrant has already been given a reasonable further time frame to complete the actions but has failed to do so, the Chair of ACC will consult with the Chair of RAP and determine whether the registrant will have membership of ACC withdrawn from them. If a registrant has their membership of ACC withdrawn on these grounds, ACC will enact the ARC Information Sharing Protocol.

12.7 The decision will be notified to the registrant, together with any conditions that need to be complied with before any re-acceptance into membership through the restoration of membership process in accordance with ACC's [Safeguarding and Restoration Policy](#).

Managing sanctions

12.8 Normally, no sanctions will be enacted and/or appear on a registered member's 'Find a Counsellor' or 'Check the Register' web entries during the time that an appeal is logged, or whilst it is in progress, except when there is an Interim Suspension Order.

12.9 Once the complaint investigation and any appeals process are completed, the Registrar will ensure that any sanctions will be noted on ACC's 'Check the Register' and appear on the 'Find a Counsellor' directory for the agreed time frame.

12.10 Where the sanction is the registrant's removal from the register, the Registrar will remove the counsellor from ACC counselling membership and enact the ARC Information Sharing Protocol.

12.11 When a sanction has expired, the Registrar will confirm with the registrant that the sanction conditions have been met. If met, the Registrar will notify the Chair of ACC, who will close the complaint and write to the registrant and the complainant, informing them that the actions have been completed and the complaint is closed. The Registrar will then be responsible for removing the sanction from ACC's 'Check the Register' and 'Find a Counsellor' online entries and updating the registrant's record.

12.12 If the sanctions have not been met, or have been breached, the Chair of ACC will consult with the Chair of RAP and determine whether the registrant will have membership of ACC withdrawn from them. If a registrant has their membership of ACC withdrawn on these grounds, ACC will enact the ARC Information Sharing Protocol.

12.13 The decision will be notified to the registrant, together with any conditions that need to be complied with before any re-acceptance into membership

through the restoration of membership process in accordance with ACC's [Safeguarding and Restoration Policy](#).

Non-renewal of membership

12.14 When a registrant fails to renew their membership following a Fitness to Practise complaint process, then a condition of their being accepted back into membership will be the completion of all outstanding actions, together with the expiry of any suspension sanctions.

12.15 The registrant will need to apply for restoration of their membership in accordance with ACC's [Safeguarding and Restoration Policy](#)

Indicative time frame

12.16 The indicative time frame for managing complaints through the Fitness to Practise Procedure is up to two years but can be affected by variations in the complaints process.

12.17 Variations can result in the complaints process taking longer, for example, if there is a change in the level of severity of risk or an appeals process. Also, circumstances may arise that are outside of ACC's control, which may impact the overall time frame of the complaint, such as a registrant or complainant drawing upon external advisors or awaiting third-party evidence.

Appendices

Appendix 1: Assessing severity levels

A key element of the complaint process is to determine the level of severity in relation to the risk/impact on clients or to the public if the alleged actions were true.

Severity is categorised as **High, Medium** or **Low** as defined below:

High severity

Allegation of serious breach of ACC's Ethics and Practice relating to sexual, physical, psychological and/or spiritual, financial abuse of client. Otherwise, behaviours that could have a significant impact on the well-being of the client.

Examples include:

- *entering into a romantic, sexual or business relationship with a current client*
- *exploiting a client for psychological, financial, or professional gain*
- *severe impairment of the counsellor's Fitness to Practise due to physical or mental ill health*
- *deliberate dishonesty relating to qualifications*

Medium severity

An allegation relating to an aspect of practice or behaviour which causes sufficient concern for ACC to wish them to be explored with the registrant for their professional growth and development, and/or to improve their service to colleagues and/or members of the public. Complaints in this category may be subject to differences in professional opinion about what constitutes a legitimate therapeutic approach or response to a client given a particular circumstance.

Examples might include:

- *overly directive use of interventions*
- *non-contracted (expressly agreed) use of religious and/or spiritual interventions*

- *inappropriate personal disclosures*
- *counselling outside of training and competence*
- *poor contracting, management of boundaries, etc.*
- *lack of knowledge/application of data protection legislation*
- *lack of knowledge/application of other obligations with respect to clients and legal requirements*

Low severity

No cause for concern relating to the member's ongoing practice.

Examples might include:

- *a member cancelling a few appointments or making an administrative error*

Feedback and Right to Reply may also be used for historic complaints that cannot be investigated.



Appendix 2: Vexatious threatening behaviours

ACC expect that most people will be constructive, reasonable, non-discriminatory and proportionate in their conduct when making or responding to a concern or complaint.

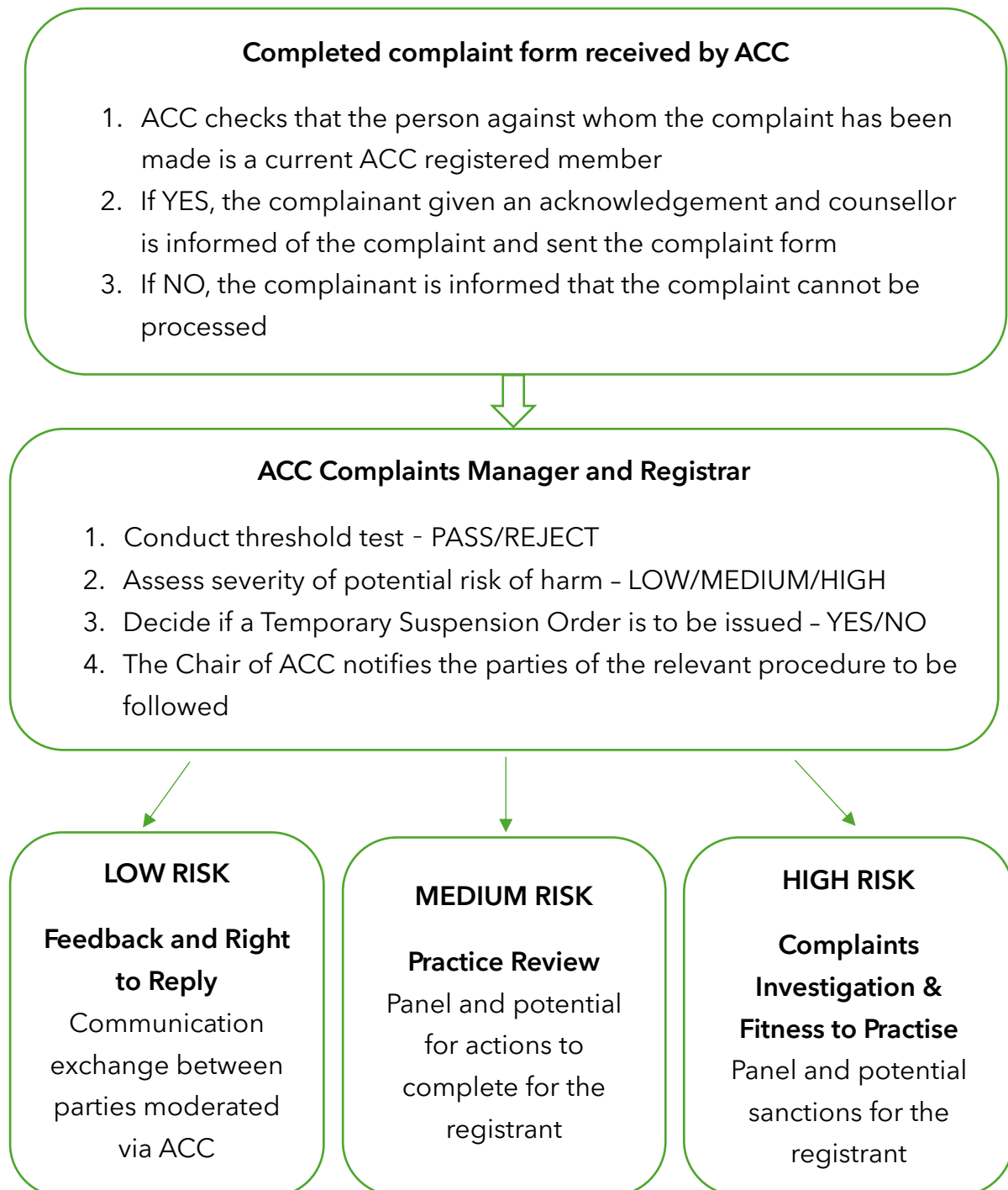
Vexatious behaviour is time-consuming, emotionally taxing for all impacted and is unethical.

Examples of vexatious behaviour include:

- Behaviour that is unacceptable, threatening, deceitful, abusive, or offensive.
- Making excessive and unreasonable demands on ACC's time by, for example, writing lengthy and frequent emails, letters, phone calls and expecting an immediate response.
- Persistent attempts to misconstrue what is said or reported.
- Presenting only partial information with the intent to mislead.
- Falsifying evidence.
- Unreasonably persistent in pursuing matters that have been investigated and where an outcome has reasonably been determined.
- Threatening witnesses or others involved in the complaint process with civil action in an attempt to make them withdraw from the complaint process
- Arguing in great detail on points that have already been given due consideration as part of the investigation and offering only a difference in opinion from what has been determined.
- Insisting that the complaint/concern should be investigated or progressed in a way that is inconsistent with ACC's Complaints Management Policy and/or recognised good practice and/or ACC's Ethics and Practice.

Vexatious behaviour may also be part of a campaign of indirect harassment against a member, a witness, or ACC, where other third parties are persuaded to raise complaints or petition on behalf of one of the parties without having full knowledge of the situation.

Appendix 3: Diagram 1 Overview of the complaints process



Appendix 4: Diagram 2 - Overview of feedback and right to reply procedure

Registrant receives a copy of the complaint form & may meet with ACC to discuss

If desired/appropriate registrant responds in writing to the complaint via ACC, who may moderate the response

Complainant is sent the registrant's written response (subject to moderation) via ACC

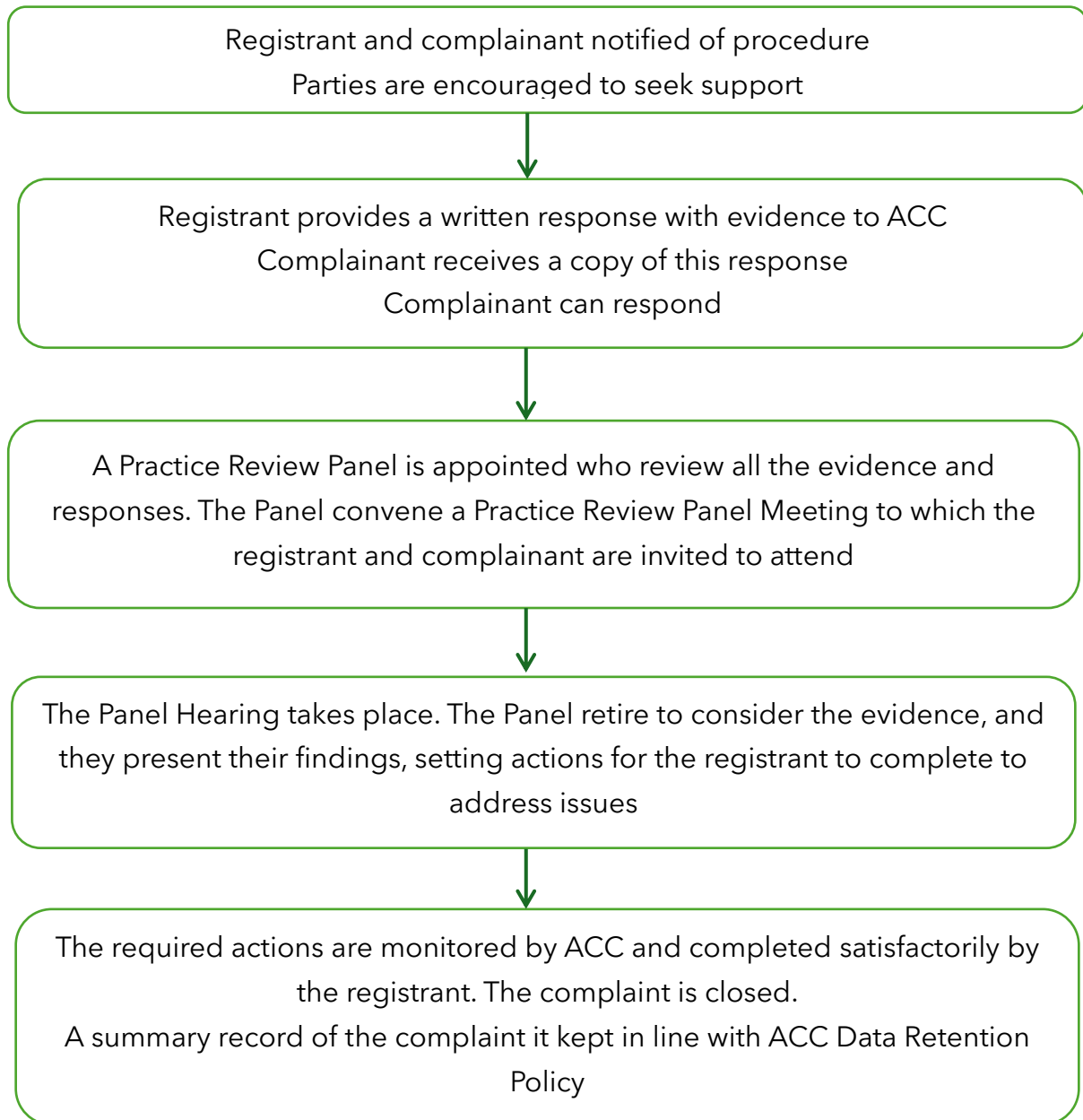


The complaint is closed

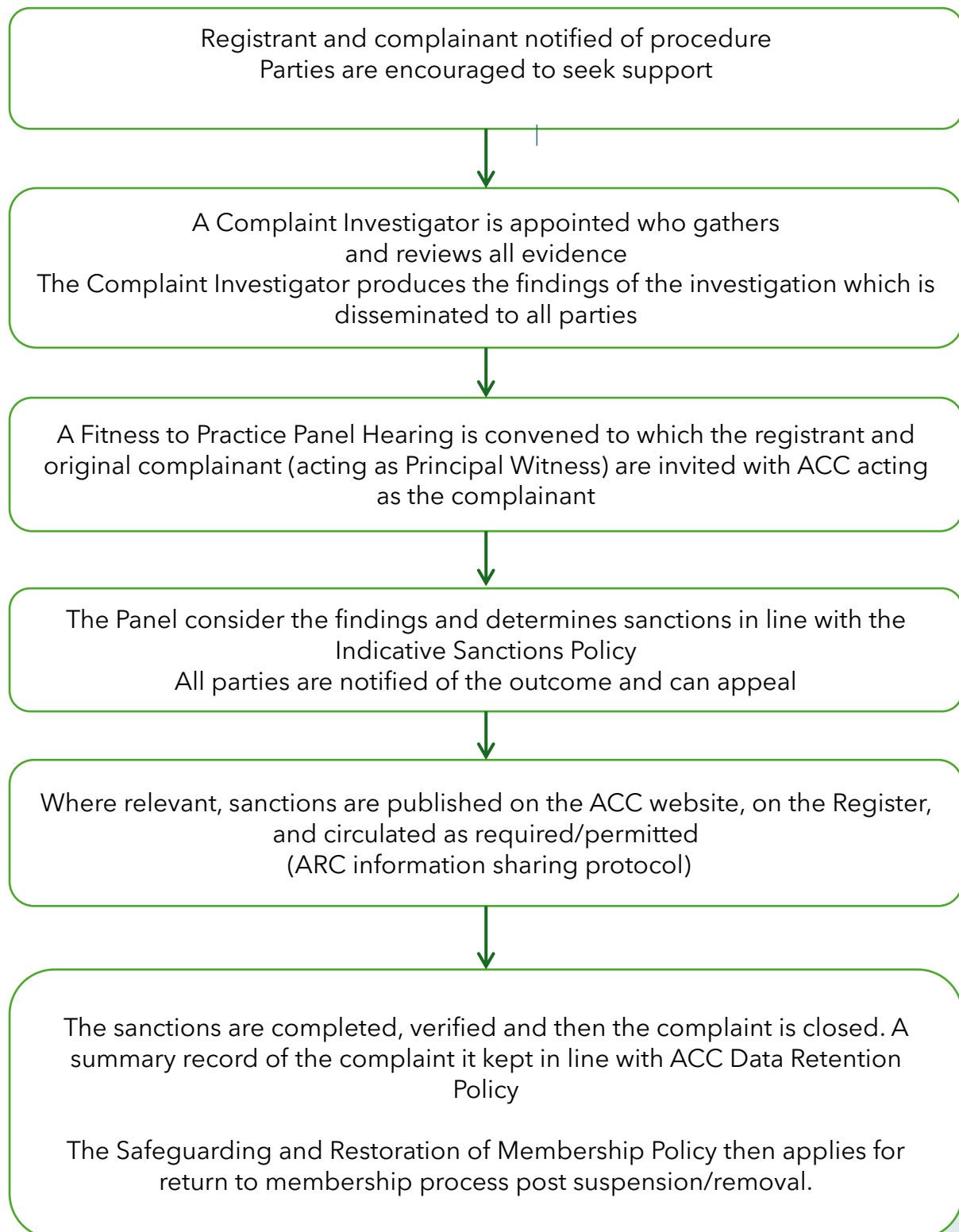
A summary record of the complaint is kept in line with ACC Data Retention Policy

There is no publication of the complaint (e.g., on the ACC website)

Appendix 5: Diagram 3 - Overview of practice review procedure



Appendix 6: Diagram 4 - Overview of the fitness to practise procedure



Appendix 7: Linked documents

[ACC Complaints Form](#)

ACC Complaints Management Overview [[revised draft is in the consultation pack](#)]

[ACC Data Retention Policy](#)

[ACC Ethics and Practice](#)

[ACC Guidance on Making a Complaint](#) [[current live version linked here, revised draft is in the consultation pack](#)]

[ACC Members' Guidance on Managing a Complaint](#)

[ACC Indicative Sanctions Policy](#) [[current live version](#)]

[ACC Making a complaint about ACC](#)

[ACC Making a complaint about an ACC staff member](#)

ACC Information on making a complaint about an organisational ACC member [[to be drafted, current process will be adapted](#)]

[ACC Register Appeals Process](#)

[ACC Safeguarding and Restoration Policy](#)

[ACC Terms and Conditions of Membership](#)

Professional Standards Authority Accredited Registers Collaborative Information Sharing Protocol [[current agreement in the consultation pack](#)].

Information Sharing Protocol between counselling/psychotherapy bodies (details on request) [[yet to be agreed](#)].

Appendix 8: Glossary of terms

ACC	Association of Christians in Counselling and Linked Professions
Action	<p>An action is something that a member must do as a result of the complaints process to retain their membership of ACC or their professional standing if no longer in membership with ACC, accepting that ACC can only request and not enforce that a former member undertakes an action.</p> <p>The action may be providing a remedy to the complainant and/or undertaking personal/professional development activities. The counsellor may be asked/ told to suspend an aspect of their practice for a period of time until the prescribed actions have taken place. Actions are not sanctions and will not be published on a registered or accredited members listing on ACC's website in either 'Check the ACC Register' or 'Find a Counsellor' directories.</p>
Adjunct therapy	<p>An adjunct therapy is a defined practice undertaken by an ACC member in addition to their counselling practice. Typically, this will be a paid or voluntary contracted service by that individual offered to members of the public which is intended to have a therapeutic objective or outcome. For ACC counselling members an adjunct therapy may, for example, be in coaching or spiritual direction. Involvement in general pastoral care and/or prayer ministry or retreat leading in churches or other places of worship does not equate to an adjunct therapy.</p>
Appeal	Any of the parties to a complaint may appeal the outcome of a complaint investigation.
Appeal hearing	The process by which an Appeals Panel meets with the parties to the complaint and where necessary other people, to hear the appeal and representations relating to it.

ARC Information Sharing Protocol	Accredited Registers Collaborative (ARC) Information Sharing Protocol is an agreement to notify professional bodies that hold an accredited register of counsellors/psychotherapists of the outcome of complaint hearings where registrants have been removed from a register or outcomes have been published See also Information Sharing Protocols with counselling and psychotherapy bodies.
Chair of ACC	The Chair of ACC is chair of the ACC Board of Trustees and acts in a voluntary capacity. The Chair of ACC has overall responsible for ACC's complaints policy and processes, in this they are accountable to the Board of ACC. In some instances, the Chair's role in managing the complaints process may be fulfilled by an authorised deputy.
Chair of RAP	The Chair of ACC's Independent Register Advisory Panel (RAP) is responsible for overseeing ACC's complaints process, specifically in monitoring that due process is followed. The Chair of RAP may be consulted on various decisions in complaint process, as defined in this document.
Charge	A charge is a notification of criminal or civil law proceedings being actioned against a member. Notification of a charge will normally be processed in the same way as a concern or a complaint.
Client	A client is a person who has entered into an agreement with an ACC member to provide counselling.
Complaint	A complaint is an allegation of wrongdoing and must relate to an alleged breach in ACC's Ethics and Practice, including any form of behaviour that brings ACC and/or the profession into disrepute.
Complainant	A complainant is someone who raises a concern or makes a complaint about a member of ACC. A complainant may be a client, volunteer, student, employee, supervisee (including volunteers), another professional or a member of the public.



Complaint investigator	A person appointed by ACC to investigate a complaint and gather evidence prior to a Fitness to Practise Hearing. The Complaint Investigator will be an experienced counsellor and/or supervisor who may or may not be a member of ACC.
Complaints Manager	An employee of ACC or designated person to manage the complaints process.
Concern	A concern will be processed in the same way as a complaint, but allows for a different emphasis, for example, focused on the wellbeing of a counsellor. The concern must still relate to a potential breach in ACC's Ethics and Practice, including any form of behaviour that brings ACC and/or the profession into disrepute.
Confidentiality (bounds of)	In the course of investigating a complaint or concern, members and complainants will need to disclose confidential information which could be about themselves or others, as relevant to the complaint. Colleagues and other persons involved may also want to share information that is sensitive and personal, as relevant to the investigation. This information may be shared with anyone appointed by ACC to conduct the complaints process and involved in the various complaint procedures, and, as applicable, with third parties interviewed as witnesses to verify information /explore Fitness to Practise concerns. All ACC staff and those appointed by ACC to be involved in complaint process will have entered into confidentiality agreements.
Feedback and Right to Reply process	This procedure can be thought of as a form of customer satisfaction feedback process - where the complainant is able to register a concern and the ACC member will receive it as feedback to reflect on and respond to.

Fitness to Practise Procedure	This procedure is a complaint investigation process where serious allegations are investigated, and supporting evidence is available. The registrant is subject to a Fitness to Practise Hearing and if the complaint is upheld will be subject to sanctions, including the possibility of their removal from the Register.
Formal complaint	A formal complaint is one submitted in writing, normally on ACC's complaint form.
Independent reviewer	<p>An Independent Reviewer can be involved with the complaints process in a number of ways</p> <p>An Independent Reviewer is independent in relation to having any conflict of interests with ACC (beyond membership) or the parties. When acting to review an application for appeal, the Independent Reviewer will not have had any previous involvement with that specific complaint.</p> <p>The Independent Reviewer will be an experienced counsellor, supervisor, trainer, manager or service user, who may or may not be a member of ACC.</p>
Information Sharing Protocol counselling /psychotherapy membership bodies	<p>From time to time members of the Partnership of Counselling and Psychotherapy Bodies (PCPB) and other counselling and psychotherapy bodies will enter into an agreement to share information about complaints raised and being investigated against registrants. This is in contrast to the ARC Information Sharing Protocol, which applies to published outcomes only.</p> <p>This is to ensure that registrants cannot simply enter into membership of another counselling and psychotherapy accredited register to avoid a complaint investigation. Any Information Sharing Protocol in place will be published and accessible to ACC members and referenced in the Terms and Conditions of Membership.</p>

Interim Suspension Order	An Interim Suspension Order can be made when the Safeguarding Decisions Panel determines that an Interim Suspension Order should be made. This decision will be notified to the registrant, and the information may be shared with other Accredited Registers according to the agreement specified in the current Accredited Registers Collaborative Information Sharing Protocol. It will be noted on the registrant's register entry on ACC's website, and the registrant will be removed from ACC's counselling directory for the duration of the suspension order.
Lay person	A lay person is someone who is not involved in the counselling and psychotherapy profession. It could be someone who has received counselling.
Member	A registered member of ACC. Also termed 'registrant'.
Parties	The parties refer to the people involved in either making a complaint or raising a concern and the that is the subject of the complaint. When a complaint is made under a duty of candour then ACC becomes the complainant. Also, for complaints assessed dealt with under the Fitness to Practise process, ACC becomes the complainant, and the client will become the Principal Witness.
Practice Review	This procedure can be thought of as a form of constructive scrutiny, professional reflection and remedy, where professionals and lay people can review the counsellor's practice in the light of the complaint and set out actions as appropriate for professional development and training to ensure that the complaint is resolved and any issues dealt with going forward. .
Principal witness	The client who has raised a concern about a registrant which is assessed as being of High Severity and results in a Fitness to Practise Procedure.
Registrant	A counselling member of ACC who is on the accredited register. Also termed 'member'.
Registrar	An employee of ACC who is responsible for managing ACC's accredited register.

Registry Advisory Panel (RAP)	RAP is a panel of both counsellors / psychotherapists and lay people, who are responsible for advising and holding ACC accountable in terms of ensuring that their processes, policies, standards and actions with regard to the Accredited Register meet the standards set by the Professional Standards Authority.
Sanction	<p>A penalty comprising of a formal restriction or condition of practice as an outcome of the Fitness to Practise Procedure.</p> <p>A sanction that applies to a registered counsellor will normally appear on complaints section on ACC's website, and on the register and 'Find a Counsellor' directory for an agreed period.</p> <p>A sanction that is published by ACC will be notified to all other counselling and psychotherapy bodies holding accredited registers under the ARC Information Sharing Protocol.</p>
Serious crime	<p>A serious crime involves any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm, or offences which resulted in actual bodily harm. It also includes:</p> <p>Offences listed in the Sex Offences Act 2003.</p> <p>The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing, trafficking, possession with intent to supply.</p> <p>Offences involving firearm, knives, and weapons.</p> <p>Offences involving arson.</p> <p>Offences involving theft, bribery, fraud or similar.</p> <p>Offences listed in the Terrorism Act 2006.</p>
Severity level	<p>Severity level is an assessment of risk in relation to safety of members of the public and clients if the allegations in the concern or complaint about the registrant are true.</p> <p>Severity levels determine which complaint management process will be followed. See Appendix 1 for further information on severity levels.</p>



<p>Temporary suspension order</p>	<p>Temporary suspension of a registrant’s entry on the register to avoid any immediate and significant risk to the safety of members of the public arising from the registrant’s current practice while a complaint is being investigated through the Fitness to Practise Procedure process.</p> <p>A Temporary Suspension Order will appear on the member’s register entry and remain in place unless overturned by the Register Decisions Panel Meeting.</p> <p>A Temporary Suspension Order can be served at any point in the complaints process if evidence emerges of significant risk to members of the public.</p>
<p>Vexatious concern /complaint /behaviour</p>	<p>A complaint or concern may be considered vexatious, as can the subsequent behaviour of any parties within a complaints process.</p> <p>Vexatious concerns and or complaints are concerns and complaints that are trivial and/or have little grounds and/or are intended to annoy or cause distress to the person being complained about. For more information, see Appendix 2.</p>

