

## **COMPLAINTS PROCEDURE**

### **1. Introduction**

1.1 The purpose of this procedure is to provide a means of resolving, where possible, any complaint against a current accredited member or pre-accredited associate of the Irish Association of Humanistic and Integrative Psychotherapy (IAHIP). Failure to renew membership or withdrawal of membership by a member complained against does not normally terminate the Complaints Procedure, which continues to its conclusion. This Complaints Procedure is intended to be a means of investigating complaints against accredited members and associates.

1.2 Throughout this document the term 'member' shall be deemed to mean accredited member.

Throughout this document the term 'associate' shall be deemed to mean - save where the context otherwise indicates - pre-accredited associate.

### **2. Fundamental Principles**

All parties concerned have fundamental rights which must be respected. In the application of the Complaints Procedure the Complaints Committee and the Formal Board, where applicable, shall as far as possible within the limits of the process endeavour to respect and balance the following rights:

- The right to information regarding the Complaints Procedure.
- The right to fairness and the principles of natural justice.
- The right to confidentiality within the limits of the process.
- The right to have a support person present.
- The right to have their statutory rights upheld, in accordance with Bye Law 8 of IAHIP.

On taking office, each member of the Complaints Committee, each member of any Formal Board and each member of the Ethics Committee shall sign a declaration of confidentiality.

### **3. Aims**

3.1 To protect the standards of the practice of psychotherapy within the

Association.

- 3.2 To provide a structure for examining any complaint against a member or associate in order to determine whether a breach of the Code of Ethics and Practice for Psychotherapists (Bye Law 3) or of any other of the Codes of Ethics and Practice of the Association has occurred.
- 3.3 To resolve, where possible, all such complaints concerning members or associates.

#### 4. ***Structure for Processing Complaints***

- 4.1 The Complaints Procedure has two stages for dealing with complaints brought against a member or associate of IAHIP - an Informal Stage and a Formal Stage.
- 4.2 Any complaints received are normally processed first through the Informal Stage under the conditions laid out in the Informal Stage Procedure.

The nature of this stage is seen as conciliatory, where possible. However, serious allegations of gross professional misconduct, for example any allegations of assault, sexual impropriety or serious breach of confidentiality, will automatically pass to the Formal Stage.

- 4.3 The Complaints Committee decides if the nature of the complaint warrants it being processed directly through the Formal Stage with due regard for the boundaries of confidentiality.
- 4.4 If at any stage during the processing of a complaint legal action is taken by either of the parties against the other, the hearing of the complaint under the IAHIP Complaints Procedure shall be suspended until the legal action has been concluded.<sup>1</sup> Both parties to any complaint being processed under the IAHIP Complaints Procedure are obliged to inform the Complaints Committee or the Formal Board, as the case may be, if they have commenced a legal action against the other party.

#### 4.5 ***Informal Stage***

The Complaints Committee deals with complaints and processes them at the Informal Stage. The Committee consists of ten<sup>2</sup> members, each with a minimum of five years' accredited membership. Nine<sup>3</sup> are appointed by the Governing Body for renewable periods of four years<sup>4</sup> and one is appointed by the Ethics Committee from among its own members. Appointments to and retirements from the Complaints Committee shall be in accordance with Bye-Law 8.

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<sup>1</sup> As approved at March 2005 AGM

<sup>2</sup> ditto

<sup>3</sup> ditto

<sup>4</sup> ditto

#### 4.6 **Formal Stage**

A Formal Board deals with complaints at the Formal Stage. The Formal Board consists of three persons: two IAHIP members drawn from a panel of suitable members appointed by the Governing Body, and an extern who is not a member of IAHIP and who has expertise in the field of psychotherapy or in a related field. Appointments to the Formal Board shall be in accordance with Bye Law 8. All members of the Formal Board, including the extern, must sign a declaration of confidentiality.

#### 5. Setting the Complaints Procedure in context

5.1 In order to set this Complaints Procedure in context it is important to note the following extracts from the Bye Laws and Codes of Ethics of the Association.

5.1.1 Bye Law 8 directs the Complaints Committee to deal with complaints about its members - "The Complaints Committee shall be responsible for dealing with any complaint about an infringement by any member or pre-accredited associate of the Association of any of the Codes of Ethics and Practice of the Association."

5.1.2 The IAHIP Code of Ethics and Practice for Psychotherapists (Bye Law 3, 1.1) advocates the promotion of good standards of practice and one of its aims is to inform and protect the public - "The purpose of this Code is to establish and maintain standards for psychotherapists who are accredited members of the Irish Association of Humanistic and Integrative Psychotherapy Limited (IAHIP), and to inform and protect members of the public seeking and using their services."

5.1.3 The IAHIP Code of Ethics and Practice for Psychotherapists (Bye Law 3, 8.8) further obliges members to abide by its Code - "Members of IAHIP are required to adhere to this Code of Ethics and to all other IAHIP Codes of Ethics, where relevant. Where professional misconduct by a member is suspected, there is a responsibility to ensure necessary steps are taken to resolve the matter. This may involve implementing the Complaints Procedure."

5.1.4 Bye Law 7 outlines the Code of Ethics and Practice for Psychotherapy Training. It states (1.2): "The purpose of this Code of Ethics and Practice is to establish and maintain standards for trainers and to inform and protect members of the public seeking training in Humanistic & Integrative Psychotherapy."

5.1.5 The Code of Ethics and Practice for Supervisors (Bye Law 5, 3.1) states - "This Code of Ethics and Practice for Supervisors is set in the context of other IAHIP Codes of Ethics and Practice and the Association's Complaints Procedure."

5.2 From 1st January 1999 all pre-accredited associates are obliged to comply with the IAHIP Code of Ethics and Practice for Psychotherapists and are

deemed to be subject to the Complaints Procedure.

- 5.3 The ongoing development of the Complaints Procedure and its documentation are the responsibility of the Ethics Committee with reference to the Complaints Committee. In the exercise of this responsibility the Ethics Committee, in consultation with the Complaints Committee and the IAHIP Administrator, shall maintain statistical records of all complaints processed under the Complaints Procedure, including the nature of the complaints, the outcome of the investigations and the sanctions (if any) imposed. Such records shall be used solely for the purposes of developing IAHIP policy and practice in regard to the Complaints Procedure, providing guidance and assistance to those serving on the Ethics Committee, the Complaints Committee and on Formal Boards, and giving the Governing Body statistical information on Complaints Procedure activities, including those with legal or financial implications for IAHIP. All such records and information shall be compiled and maintained with paramount regard for confidentiality and the protection of the anonymity of all parties concerned.

## 6. Preliminary Stages

**At all stages confidentiality is of paramount importance.**

- 6.1 All complaints, which must be in writing and which must relate to misconduct alleged to have taken place within the 5 years preceding the making of the complaint (subject to the possible exemption from this time limit set out in clause 6.4 below),<sup>5</sup> are passed to the Membership Secretary of IAHIP ("the Membership Secretary") who establishes, on the advice of the IAHIP Administrator, which, if any, of the following categories apply:

**Category (i)** The person complained against, whether or not<sup>6</sup> they are currently an accredited member of IAHIP, was an accredited member of IAHIP at the time the behaviour complained of is alleged to have occurred<sup>7</sup>.

**Category (ii)** The person complained against, having been an accredited member of IAHIP at the time the behaviour complained of is alleged to have occurred<sup>8</sup>, has an application for renewal of membership currently under consideration.

**Category (iii)** The person complained against, whether or not they are currently either an accredited member of IAHIP<sup>9</sup> or a pre-accredited associate in accordance with Bye Law 4, was a pre-accredited associate at the time the behaviour complained of is alleged to have occurred<sup>10</sup>.

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<sup>5</sup> Approved 19<sup>th</sup> September 2012

<sup>6</sup> Ditto

<sup>7</sup> Ditto

<sup>8</sup> Ditto

<sup>9</sup> Ditto

<sup>10</sup> Ditto

**Category (iv)** The person complained against, having been<sup>11</sup> a pre-accredited associate according to Bye Law 4 at the time the behaviour complained of is alleged to have occurred<sup>12</sup>, has an application for membership of IAHIP currently under consideration.

**Category (v)** The person complained against, not being a pre-accredited associate in accordance with Bye Law 4, has an application for membership of IAHIP currently under consideration.

Where any of the above categories applies, the complaint will be sent to the Secretary of the Complaints Committee for consideration under the Complaints Procedure.

Where either Category (i) or Category (iii) alone applies, the Complaints Committee will implement the Complaints Procedure.

Where either Category (ii) or Category (iv) applies, the Complaints Committee will implement the Complaints Procedure subject to 6.7 below.

Where Category (v) applies, the Complaints Committee will implement the Complaints Procedure subject to 6.8 below.

- 6.2 The Membership Secretary acknowledges receipt of the complaint and informs the complainant, if such is the case, that the complaint is being sent to the Secretary of the Complaints Committee for consideration.

The Membership Secretary forwards the correspondence to the Secretary of the Complaints Committee and declares to which of the above categories the complaint belongs.

- 6.2.1<sup>13</sup> The Secretary of the Complaints Committee, in consultation with the Complaints Committee and without revealing the names of the parties involved, considers the complaint to determine if the alleged behaviour, on the face of it, constitutes a breach of conduct under one or other of IAHIP's Codes of Ethics and Practice that warrants investigation by the Complaints Committee.

If the Secretary of the Complaints Committee finds that an investigation is not warranted under any of IAHIP's Codes of Ethics and Practice, s/he lets the complainant know this in writing, supplying this information also to the Membership Secretary.

If the Secretary of the Complaints Committee finds that, on the face of it, an investigation appears to be warranted under one or other of IAHIP's Codes of Ethics and Practice, s/he writes in those terms to the complainant and sends him/her the following:-

- A copy of the relevant Code of Ethics and Practice
- A copy of the Complaints Procedure

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<sup>11</sup> Approved 19<sup>th</sup> September 2012

<sup>12</sup> Ditto

<sup>13</sup> Ditto

- A Complaint Declaration Form which is to be filled out and returned within two months.

At the same time the Secretary lets the complainant know that, if this complaint is submitted for investigation, a copy of the completed Complaint Declaration Form will be sent to the person complained against, whose obligation of confidentiality to the complainant will then be suspended insofar as it pertains to IAHIP's investigation of the complaint.

6.3<sup>14</sup> If the complainant does not respond within two months then the Secretary of the Complaints Committee writes to the complainant by registered post to ascertain if s/he wishes to further the complaint and letting him/her know that if the necessary Complaint Declaration Form is not forthcoming within a further two weeks, the complaint will be deemed to have been withdrawn. The complainant will also be let know that in that event, the complainant will not be entitled to re-submit the complaint arising out of the same facts, even as part of an additional complaint.

If the Complaint Declaration Form is not received within the required two weeks, the Secretary of the Complaints Committee will, by registered post, confirm to the complainant that the complaint has been deemed to be withdrawn and that it may not ever be re-submitted arising out of the same facts, even as part of an additional complaint. The Membership Secretary shall also be supplied with this information.

6.4 In certain cases special extenuating circumstances may arise that make it impossible or difficult for complainants to lodge a written complaint within the time limit laid down in clause 6.1 above or to submit the Complaint Declaration Form within the time limit set down in clause 6.3 above. Requests by complainants for derogation from the stated time limits because of special extenuating circumstances will be considered by the Complaints Committee on a case-by-case basis. In deciding whether to accept requests for derogation from one or other of the time limits laid down, the Complaints Committee will take into account:

- 1.** the reasons put forward for the time lapses in lodging the written complaint or in submitting the Complaint Declaration Form;
- 2.** the seriousness of the complaint having regard to the nature of the particular relationship between the complainant and the person complained against, either as psychotherapy client, supervisee or psychotherapy trainee under the various Codes of Ethics and Practice of the Association;
- 3.** the risk to the public and the profession;
- 4.** other factors of significance to be specified at assessment of the application for derogation.<sup>15</sup>

The decision of the Complaints Committee whether or not to grant derogation will be final and it will be communicated to the complainant by the Secretary of the Complaints Committee.

6.5 On receipt of the Complaint Declaration Form, the complaint is presented by

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<sup>14</sup> Approved 19<sup>th</sup> September 2012

<sup>15</sup> Ditto (All of Section 6.4)

the Secretary of the Complaints Committee to a meeting of the Complaints Committee, with the names of the parties deleted. (At this stage only the IAHIP Administrator, the Membership Secretary and the Secretary of the Complaints Committee know the identity of the complainant and the person complained against.)

The Complaints Committee shall first use its discretion to determine if the allegations in the complaint, if proved, would constitute a breach of ethics. If the Complaints Committee determines that the allegations, even if proved, would not constitute a breach of ethics, the Secretary of the Complaints Committee shall then write to the complainant informing them of this fact and advising them that the Complaints Procedure is unavailable to them for this reason. The Membership Secretary shall also be given this information.

- 6.6 If the facts alleged in the complaint, if proved, would constitute a breach of ethics, the Complaints Committee uses its discretion to determine whether to implement the Informal or Formal Stage of the Complaints Procedure.
- 6.7 **Categories (ii) and (iv)** – Complaints against members or pre-accredited associates whose application for membership or renewal of membership is currently under consideration.
  - 6.7.1 If at its discretion it so decides, the Complaints Committee, having been consulted by its Secretary without disclosure of the name of the person complained against, will make a recommendation, through its Secretary, to the Membership Secretary that consideration of the person's membership or renewal of membership, as the case may be, should be withheld until the complaint has been determined. The Complaints Committee shall only make this recommendation where it is of the view that the complaint, if proved, would be of sufficient gravity that IAHIP would in all probability refuse that person membership or renewal of membership. The Membership Secretary will act on this recommendation as instructed by the Complaints Committee.
  - 6.7.2 In this event the Secretary of the Complaints Committee, when writing to the member or the associate complained against in accordance with 8.2 below, will inform them that their application for membership or renewal of membership, as the case may be, will be suspended until investigation of the complaint made against them has been concluded.
  - 6.7.3 Whether or not the Complaints Committee makes a recommendation within the terms of 6.7.1 above, the Complaints Procedure will be implemented.
- 6.8 **Category (v)** – Complaints against persons who are not pre-accredited associates and whose application for membership is currently under consideration.
  - 6.8.1 The Secretary of the Complaints Committee, when writing to the person complained against in accordance with clause 8.2 below, shall inform them that should they wish to continue with their application they must submit to the Complaints Procedure in reference to the complaint and further informing them that, if they do so submit, consideration of their application for membership will be suspended until investigation of the complaint made

against them has been concluded.

The Secretary shall ask the person complained against if they wish to proceed with their application or withdraw. The Secretary shall advise them that, should they not respond within 21 days, their application for membership will be deemed to be withdrawn.

The Secretary shall further advise them that in the event of their application being withdrawn or being deemed to be withdrawn, any future application by them for membership will have to be accompanied 1) by an acknowledgement that the withdrawal of a prior application by them for membership had coincided with a complaint being made against them to IAHIP and 2) by a written account, with such documentary evidence as may be required, of whatever action and outcome ensued in relation to those allegations made against them.

- 6.8.2 In the event that there is no response or a response that indicates the person's wish to withdraw their application, the Membership Secretary shall be informed by the Secretary of the Complaints Committee that the person's application for membership has been withdrawn and that any future application for membership by that person will be subject to the requirements outlined in clause 6.8.1 above.

The Membership Secretary shall then let the Accreditation Committee know that the applicant has withdrawn their application for membership and that in the event of any future application for membership to them by that person, the Accreditation Committee should notify the Membership Secretary of the application before proceeding to consider its merits. The Membership Secretary shall also inform the complainant in writing that because the person complained against is not a member of IAHIP nor bound by IAHIP's Codes of Ethics and Practice, the complaint cannot be investigated by IAHIP.

- 6.8.3 If the person's response indicates their wish to continue with their application for membership and to submit themselves to the Complaints Procedure, in compliance with 6.8.1 above, the Membership Secretary shall be informed who shall in turn inform the Accreditation Committee in writing that, at the applicant's request, their application for membership has been suspended until further notice.

In this event, the Complaints Procedure shall then be implemented.



## 7. INFORMAL STAGE of COMPLAINTS PROCEDURE

The nature of this stage is seen as conciliatory where possible. Both parties are invited to meet with two members of the Complaints Committee, called Facilitators, with emphasis on seeking possibilities for mutual resolution. However, either party - the complainant or the person complained against - may, at any stage, make a written request to the Complaints Committee to have the Informal Stage omitted or discontinued. The Complaints Committee then determines whether the complaint should move to the Formal Stage.

**Throughout the Informal Stage the members of the Complaints Committee shall, in the interests of all parties concerned, attach the utmost importance to confidentiality, impartiality and fairness in their consideration of any complaint. In particular, they shall each ensure that the identities of the complainant and the person complained against remain confidential for all time, other than as may be required at the conclusion of the Informal Stage, in accordance with Clause 8.**

**Furthermore, if any member of the Complaints Committee has knowledge of or connection with either of the parties to a particular complaint which could cast doubt on their impartiality, that member has a duty to declare such potential prejudice and to step aside from any involvement in the investigation or subsequent consideration of the complaint.**

## 8. Informal Stage Procedure

8.1 If the complaint is proceeding through the Informal Stage, the Complaints Committee having been presented by its Secretary with the complaint in full, including the name of the complainant and the person complained against, and with due regard individually and collectively to the requirements of clause 7 above, provisionally appoints two Facilitators from its committee to investigate the complaint.

8.2 The Secretary of the Complaints Committee writes to the person complained against letting them know that an official complaint has been received. The Secretary indicates the nature of the complaint, that the procedure set out below will be followed, and that, as soon as the appointment of the Facilitators has been confirmed, the complainant will be informed of these actions. The letter encloses a copy of:

- The completed Complaint Declaration Form describing the complaint
- The relevant Code of Ethics and Practice
- The Complaints Procedure
- The names of the two Facilitators provisionally appointed to investigate the complaint under the Informal Stage.

If the person complained against has an application for membership or renewal of membership currently under consideration and if a recommendation under the terms of 6.7.1 above has been made by the

Complaints Committee, the Secretary will also inform them, in accordance with 6.7.2 above, that their application for membership or renewal of membership, as the case may be, is being suspended until the investigation has been concluded.

- 8.3 The Secretary shall also ask the person complained against to confirm within one week that they have no objection to either of the two nominated Facilitators. An objection will only be valid if the person complained against can claim a connection with the nominee which could cast doubt on their impartiality as a Facilitator in this instance.

Where no objection is raised within the one week permitted above, the appointment of the two Facilitators shall be deemed to be confirmed. In the event of an objection being accepted as valid, a further week will be allowed to have a replacement confirmed as Facilitator.

- 8.4 When the appointment of two Facilitators has been confirmed, the Secretary of the Complaints Committee notifies the complainant in writing that two Facilitators have been appointed to investigate the complaint under the Informal Stage of the Complaints Procedure, and supplies the complainant with their names.
- 8.5 The Secretary of the Complaints Committee then passes on all relevant correspondence relating to the complaint to the two Facilitators.
- 8.6 On receipt of the complaint the Facilitators write to the person complained against, asking them to respond in writing to the complaint within one month, with the explicit understanding that this response will be forwarded to the complainant. This time limit may be extended only if the person complained against can demonstrate extenuating circumstances to the satisfaction of the Facilitators. The person complained against will also be let know that their obligation of confidentiality to the complainant has been suspended only insofar as it pertains to IAHIP's investigation of the complaint and that the complainant is aware of this.
- 8.7 If the complainant is satisfied with the written reply and does not wish to proceed further, or if the complainant withdraws the complaint at this or any other time during the Informal Stage, s/he is obliged to confirm this in writing to the Facilitators. The Complaints Procedure may be completed at this stage if the Complaints Committee, on the advice of the Facilitators, thinks fit. In this event notification of this outcome, involving no finding against them, is conveyed in writing to the person complained against by the Secretary of the Complaints Committee, who also conveys this result to the Membership Secretary.

If, on the advice of the Facilitators, the Complaints Committee takes the view that, despite the complainant's withdrawal of the complaint, there are still grounds to believe that the person complained against was in serious breach of the relevant Code of Ethics and Practice, then the Complaints Committee may, if it thinks fit, decide to refer the complaint to the Formal Stage. In this event, a nominee of the Complaints Committee, from among its members, shall stand in as complainant for the purposes of the Formal Stage, offering only such evidence as is available in written form on the relevant complaint

file.

- 8.8 If at any time during the Informal Stage the Facilitators believe that the conciliatory nature of the process would be helped by exploratory meetings with either party or with the parties together, then they may use their discretion to arrange such meetings. If the parties so wish, they may be accompanied to such meetings by a support person. The role of a support person is limited to that of providing counsel and support to the individual and to giving such assistance to the Facilitators as may be requested of them. The person complained against, or the complainant, will be personally responsible to ensure that their support person adheres to the rules of the Complaints Procedure including, in particular, confidentiality. Any breach of the Complaints Procedure by the support person shall be deemed to be a breach by the person complained against or the complainant, as the case may be.
- 8.9 If, at the Informal Stage, it becomes clear that the complaint concerns a minor breach or is of a nuisance, malicious or vexatious nature, the Facilitators convey this to the Complaints Committee. The Complaints Committee uses its discretion in deciding whether or not to close the complaint.
- 8.10 If resolution cannot be reached at the Informal Stage, either of the parties may, in writing, request the Facilitators to have the matter referred to the Formal Stage. The Complaints Committee has discretionary power whether or not to allow the complaint to pass to the Formal Stage.
- 8.11 If the decision is to progress the complaint to the Formal Stage, the complaint shall then be referred by the Complaints Committee to a Formal Board consisting, in accordance with Bye Law 8, clause 5, of two members selected by the Complaints Committee from an existing panel of suitable members of the Association appointed by the Governing Body, and one extern person, not a member of the Association, to be appointed by the Governing Body.

To give effect to the formation of a Formal Board for the purpose of hearing the complaint at the Formal Stage, the Secretary of the Complaints Committee shall, without identifying the names of the parties concerned, inform the Governing Body that a complaint is going forward to the Formal Stage and shall request the Governing Body to appoint an extern person to the Formal Board in accordance with the requirements of Bye Law 8.

This concludes the Informal Stage and the involvement of the two Facilitators who acted at the Informal Stage.

## 9. **Complaints relating to conduct prior to membership**

Where a complaint is received against a current accredited member, and where such a complaint alleges unethical conduct at a time when the person complained against was not a member of IAHIP, then the Complaints Committee, in consultation with the Governing Body and the Ethics Committee, may allow the complaint to go forward if in their absolute discretion they consider the complaint to be such that it brings into question

the person's suitability to be an accredited member of IAHIP. Such consultation as is called for under this clause shall be conducted without identifying either of the parties to the complaint.

10. **Informal Stage Records**

To preserve the integrity of the process, a dated record shall be made and retained of all proceedings relating to the hearing and investigation of a complaint. The IAHIP Administrator, the Membership Secretary, the Secretary of the Complaints Committee and the Facilitators shall ensure, respectively, that all documents, records and correspondence received or created by them are preserved during the course of the Preliminary and Informal Stages on a confidential file reserved for the complaint in question.

All correspondence relating to complaints must be addressed to or emanate from the IAHIP registered office. The IAHIP Administrator is entitled, in consultation with or at the request of any of the IAHIP members involved in the hearing of a complaint, to be privy to all Informal Stage records and to perform any or all secretarial duties required. A written and dated record should be made and placed on the file of all telephone calls made or received relating to the complaint.

The Facilitators shall make a written and dated record of all meetings with either or both of the parties to the complaint with the aid, if necessary, of an audio tape. The Secretary of the Complaints Committee shall ensure that the minutes of meetings of the Complaints Committee, insofar as they record considerations or decisions relating to the hearing of any complaint, contain no information that might identify either of the parties to the complaint and that a copy of any such minute, with the date of the meeting recorded on it, is placed on the particular complaint file.

On the conclusion of the Informal Stage, whether or not the matter is proceeding to the Formal Stage, the complaint file (with all its records filed in date order) is given to the IAHIP Administrator who gives it in a sealed envelope to the Membership Secretary for retention in a safe in the IAHIP office. The sealed envelope shall carry a coded number, identifiable only by the Membership Secretary and the IAHIP Administrator.

Records relating to any allegation which, for whatever reason, did not pass beyond the Preliminary Stage shall not be retained and it shall be the responsibility of the Membership Secretary to have such records destroyed.

## 11. **FORMAL STAGE of COMPLAINTS PROCEDURE**

11.1 The Formal Stage constitutes an entirely new hearing of the complaint. It is concerned with any:

- Complaint of gross professional misconduct.
- Complaint which has been dealt with at the Informal Stage and was not resolved and is, in the opinion of the Complaints Committee, of a sufficiently serious nature to warrant investigation by a Formal Board.

11.2 The nature of this stage is to:

- Conduct the hearing of a formal complaint.
- Initiate and carry through investigative procedures.
- Determine whether a breach of the Codes of Ethics has taken place.
- Recommend sanctions where deemed appropriate.

## 12. **FORMAL STAGE PROCEDURE**

12.1 To initiate the Formal Stage the following documents are required by the Formal Board:

- A copy of the original Complaint Declaration Form
- A copy of any written request from either of the parties to have the matter referred to the Formal Stage
- A letter from the Complaints Committee confirming the decision to allow the complaint to proceed to the Formal Stage.

12.2 Board members have a duty to declare any potential prejudice that might cast doubt on their impartiality.

12.3 Parties are notified of the names of the Formal Board members. If a perceived bias or conflict of interest exists the complainant and/or person complained against has the right to lodge an objection within 14 days of this notice. Any such objections are considered by the Formal Board.

12.4.1 The Formal Board invites both parties involved in the complaint to send new written submissions which must reach the Formal Board for consideration not later than 28 days prior to the first interview meeting, a copy of which will be made available to the other party. Similarly, each party, including the Formal Board, has the right to call for written witness statements to be made, which statements must also reach the Formal Board for consideration not later than 28 days prior to the first interview meeting and copies of which must be made available to the other parties.

12.4.2 When all submissions received in accordance with clause 12.4.1 above have been considered, the Formal Board may, with the prior written consent of both parties, apply to the Membership Secretary to be given access to the Informal Stage file. Any documentation from that file which the Board decides to introduce into the hearings in the interest of narrowing or refining the focus of unresolved issues between the parties must be made available to both parties at least 14 days prior to the first interview, as must any submissions which constitute responses to or clarifications of the initial submissions made to the Board.

12.4.3 Both the complainant and the person complained against should be aware that in the interest of fairness and to avoid delay the Formal Board reserves the right to operate under strict deadlines.

Accordingly, if a person changes an address, is indisposed, is ill, or is out of the country or away from their current address, they should inform the chairperson of the Formal Board in writing of this fact, and nominate an alternative person to receive the correspondence on their behalf to avoid being prejudiced by any of the time limits imposed under this procedure.

12.5 IAHIP has a professional responsibility to deal clearly and thoroughly with all formal complaints and to maintain the independence of the Formal Board within IAHIP. Therefore, once the Formal Stage has commenced the Formal Board, subject only to the circumstances in clause 4.4 above, must reach a determination.

12.6 If the complainant withdraws the complaint at any time during the Formal Stage, s/he is obliged to confirm this in writing to the Formal Board. At this point, the Formal Board shall decide, as it thinks fit, whether a determination in favour of the person complained against should be made or whether there remains a responsibility (see clause 5.1.3 above) under the provisions of clause 8.8 of Bye Law 3 to continue the Formal Stage process with the possibility of a different determination being reached.

If the Formal Board decides to make a determination in favour of the person complained against in this circumstance, it conveys its conclusions in writing to the parties involved in the complaint, to the Complaints Committee and to the Membership Secretary and the IAHIP Administrator.

If, on the other hand, the Formal Board decides to pursue the Formal Stage further, it shall ask the Complaints Committee to nominate one of its members to stand in as complainant for the remainder of the Formal Stage, offering only such evidence as is available in written form on the relevant complaint file.

### **13. Formal Stage Interviews**

13.1 A member of the Formal Board is chosen to act as chairperson during all interview meetings. A suitably qualified independent person, appointed by the Governing Body, shall act as Recorder at all interview meetings and shall

record details of the hearing. The Formal *Board* is responsible for the accuracy of the records kept of all proceedings.

- 13.2 A meeting of the Formal Board takes place with both the complainant and the person complained against. A named support person may accompany each individual during this meeting, whose role is limited to providing counsel and support to the individual and to giving such assistance to the Board as may be requested of them. Support persons are not permitted to provide legal representations on behalf of the person they support or to cross-examine other parties.

The complainant and the person complained against will each be personally responsible to ensure that their support person adheres to the rules of the Complaints Procedure, particularly those set out in clause 13.4 below. Any breach of the Complaints Procedure by the support person shall be deemed to be a breach by the complainant or the person complained against, as the case may be.

- 13.3 If in the view of the Formal Board weight would be added to its consideration of the complaint by the attendance at the first, or any subsequent, interview meeting of any witness from whom a written statement was received under the terms of clause 12.4.1 above, then the Formal Board may, at its absolute discretion, invite such witness or witnesses to attend. During the interview meeting, witnesses may be questioned by the Formal Board and, through the Formal Board, by either of the two parties to the complaint.

- 13.4 Parties involved in the procedure are obliged to co-operate with the process. The following behaviours may be regarded as offensive:

- Deliberate obstruction e.g. deliberately time-wasting or querulous behaviour.
- Deliberate releasing of matters from the informal stage when the other party has not consented.
- Attempts to influence other officers of IAHIP who are not directly involved in the complaint.
- A refusal to comply with sanctions.
- Undermining the confidentiality of the Complaints Procedure.

Where relevant, such offences will be taken into account by the Formal Board in its determination of the complaint and, when the offender is the person complained against, this may lead to a new complaint being brought against them.

## 14. **Procedure for Interviews**

- 14.1 Hearing the complainant's case.
- 14.2 Clarification of the complaint from the perspective of the complainant.
- 14.3 Hearing any response to the complaint from the person complained against.

- 14.4 Clarification of the response from the perspective of the person complained against.
- 14.5 The complainant and the person complained against to add further comments or put questions to the other through the chairperson.
- 14.6 The complainant and the person complained against are given equal time to summarise their position to the chairperson.
- 14.7 Recesses may be called by the chairperson if deemed necessary.
- 14.8 The interviews are deemed to be concluded at the completion of 14.6 and the Formal Board retires.
- 14.9 The venue and time for any additional meetings are decided by the Formal Board.

## **15. Formal Stage Absences**

- 15.1 If for any reason either party cannot be present for any convened meetings the Formal Board has discretion to adjourn and set a further date.
- 15.2 If, on the second date, the person who was absent on the first date is once again absent, and if the Formal Board is of the view that the absent party has not shown a reasonable justification or excuse for their continued absence, the Formal Board will inform both parties that, at the next convened meeting, a determination will be made on the evidence set before them.
- 15.3 In making such a determination the Formal Board takes into account:
  - The evidence submitted by the absent party
  - The fact that the absent party is not available to clarify any questions.

## **16. Formal Stage Adjudication**

- 16.1 On conclusion of the Formal Stage, the Formal Board conveys its findings, in writing, within 21 days, to the parties involved in the complaint..
- 16.2 The Formal Board conveys its findings and recommendations regarding sanctions in writing to the Ethics Committee within 21 days of the conclusion of the Formal Interviews.
- 16.3 The Ethics Committee then decides on sanctions, if appropriate, and on the best means of applying and monitoring them. In arriving at its decisions, the Ethics Committee shall be guided by the Formal Board's recommendations unless and only to the extent that it is deemed necessary to modify them because of special circumstances pertaining in any particular case or because of relevant precedents of sanctions imposed where similar ethical breaches were established under the Complaints Procedure.



If any member of the Ethics Committee has acquaintance or connection with either of the parties involved which could cast doubt on their impartiality, that member has a duty to declare such potential prejudice and to step aside from any involvement in the consideration of sanctions. Because of their membership of the Complaints Committee, the Ethics Committee member acting as liaison between the two Committees shall always step aside from any involvement in the consideration of sanctions.

- 16.4 When sanctions are decided upon it is the responsibility of the Secretary of the Ethics Committee to communicate them to the person complained against and also, through the Membership Secretary, to the Governing Body. The complainant shall also be appropriately informed by the Secretary of the Ethics Committee of any sanctions imposed on the person complained against. Furthermore, a copy of the Formal Board's findings and a copy of any sanctions decided upon shall be sent by the Secretary of the Ethics Committee to the Complaints Committee.
- 16.5 Where the sanctions decided upon include withdrawal of accreditation the Governing Body shall authorise the Membership Secretary and the Administrator to revise the Membership Register appropriately and shall inform the Accreditation Committee, who shall adjust its records accordingly.

17. **Formal Stage Records**

To preserve the integrity of the process, a dated record shall be made and retained of all proceedings of the Formal Board who shall ensure that all documents, records and correspondence received or created by them are preserved during the course of the Formal Stage and, at the conclusion of the Formal Stage, are given to the IAHIP Administrator for inclusion as a discrete section in the relevant complaint file. Throughout the Formal Stage the Board shall, in respect of records and record-keeping, adhere to the same principles as apply (see clause 10 above) during the Informal Stage.

18. **APPEALS PROCEDURE for COMPLAINTS**

- 18.1 An appeal by either party against the findings of the Formal Board must be lodged with the Secretary of the Ethics Committee not later than 21 days following the conveying of the Formal Board's findings to the parties concerned. An appeal must be submitted in writing by the appellant.
- 18.2 The grounds for a valid appeal are either:
- a serious departure by IAHIP representatives from the requirements of the Complaints Procedure at either the Informal or the Formal Stage, or
  - significant new information not available to IAHIP during the complaint hearings.
- 18.3 Before an Appeals Board is appointed to examine an appeal, the Ethics Committee must be satisfied that the grounds submitted by the appellant:
- meet the requirements of 18.2 above, and
  - are of such gravity that, if accepted by an Appeals Board, would in all probability require that the conclusions of the Formal Board be altered.
- 18.4 When an appeal is deemed to meet the requirements of 18.3 above, the Secretary of the Ethics Committee will inform the Governing Body for the purpose of having an Appeals Board appointed. When such Board has been appointed in accordance with 19.1 below, the Secretary of the Ethics Committee will forward the written appeal to the Appeals Board and will inform both parties to the complaint of the existence of the appeal, the grounds on which it has been made and the names of the members of the Appeals Board.

19. **Appeals Board**

- 19.1 The Appeals Board shall consist of three people:
- One extern nominated by the Ethics Committee
  - One accredited member of IAHIP nominated by the Governing Body
  - One extern nominated by the Governing Body.
- Persons nominated will not have been involved in processing the original complaint.
- Nominated members will have a duty to declare any interests which might cast doubt on their impartiality in addressing the appeal and a Declaration of Confidentiality will be signed.
- 19.2 The Appeals Board will have liberty to review the appropriate file or files and

to clarify any issues arising with any of the parties involved in the hearing of the complaint. Having examined and assessed all the relevant information it requires, the Appeals Board will notify its findings to the Ethics Committee, to the appellant and to the Formal Board involved with the complaint. These findings will be communicated to the Governing Body and to the other party by the Secretary of the Ethics Committee.

**20. Appeals Board Records**

To preserve the integrity of the process, a dated record shall be made and retained of all proceedings of the Appeals Board who shall ensure that all documents, records and correspondence received or created by them are preserved during the course of the Appeal and, at its conclusion, are given to the IAHIP Administrator for inclusion in the relevant complaint file. The Appeals Board shall, in respect of records and record-keeping, adhere to the same principles as apply (see clause 10 above) during the Informal and Formal Stages.

**21. SUBSEQUENT ACCESS to COMPLAINT FILES**

- 21.1 Other than as permitted during the complaints procedure and outlined in this document, access to a complaint file shall only be allowed in exceptional circumstances such as an obligation at law on foot of a Court Order, or special research undertaken with the authority of the Governing Body to assist the Complaints and Ethics Committees in the exercise of their responsibilities.
- 21.2 In the event of access being granted, confidentiality and the avoidance of unnecessary identification of parties involved shall be of paramount importance.
- 21.3 Applications for access under exceptional circumstances shall be channelled through the Membership Secretary or the IAHIP Administrator to the Governing Body.

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