

IRISH ASSOCIATION OF HUMANISTIC AND INTEGRATIVE PSYCHOTHERAPY

COMPLAINTS POLICY

1. Introduction

- 1.1 The complaints procedure itself is part of a structure which aims to ensure the highest standards of professional practice among the members and associate members of IAHIP for the protection and integrity of its members, and in order to protect the interests and wellbeing of the public who engage the therapeutic services of such members.

The purpose of this procedure is to provide a means of investigating complaints against accredited members, previously accredited members who are seeking re-accreditation and pre-accredited associates of IAHIP, and determine measures to be taken in order to resolve such complaints. Failure to renew membership or withdrawal of membership by a member against whom a complaint has been made does not terminate the process, which will continue to its conclusion.

- 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.
- 1.3 The term “complaint” is a generic term used within the context of IAHIP’s complaints procedure, to cover all allegations of breaches of the Association’s Code of Ethics, as well as all grievances, complaints, or questions concerning a member’s fitness to practice. It is not until the IAHIP Complaints Committee has met, considered the complaint, and decided that the member complained against has a case to answer, that it takes on the status of a formal complaint. In some cases, a complaint of behavior that occurred prior to accreditation or application for accreditation by the member may be considered if it is deemed serious enough to bring her/his suitability to practice into question.
- 1.4 All members and associates of IAHIP, including those living and working abroad in other jurisdictions and those who are also members of other professional accrediting associations, are bound to abide by the IAHIP Code of Ethics to work to the highest professional standards. As such, members are subject to IAHIP’s complaints procedure and are obliged to cooperate with any investigation by the Complaints Committee in which they are implicated, in accordance with the conditions of renewal of their annual membership. Failure by a member to cooperate with an investigation may incur sanctions, including suspension of membership. Once a case has begun, the investigation of a complaint must be seen through to its conclusion.

- 1.5 Complaints made against trainers or training bodies (if they are recognized or seeking recognition by IAHIP) by trainees are also subject to the complaint's procedure. However, the Complaints Committee reserves the right to refer the complainant to the internal complaint's procedure of the training body if appropriate.

2. **Fundamental Principles**

All parties concerned have fundamental rights which must be respected. In the application of the Complaints Procedure the Complaints Committee 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.
- The right to a timely disposition of the complaint.
- The right to be informed of any complaint made against one, its status and any determination made about it

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

3. **Structure for Processing Complaints**

- 3.1 The Complaints Procedure has two stages for dealing with complaints brought against a member or associate of IAHIP - an Initial Stage and a Second Stage, as well as an appeals process against the findings of the Complaints Committee and against any sanctions that may be applied as a result of those findings.
- 3.2 Any complaints received are normally processed first through the Initial Stage under the conditions laid out in the Initial Stage Procedure.

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

3.3 The Complaints Committee decides if the nature of the complaint warrants it being processed directly through the Second Stage.

3.4.1 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.¹ Both parties to any complaint being processed under the IAHIP Complaints Procedure are obliged to inform the Complaints Committee if they have commenced legal action against the other party.

4. *Initial Stage*

The Complaints Committee deals with complaints and processes them internally at the Initial Stage. Each relevant complaint will be investigated at this stage by two members of the Complaints Committee, who will meet and/or enter into correspondence with the complainant and respondent, and hear the details of the complaint. If the complaint is deemed by the investigators, in consultation with the Complaints Committee, to be valid (i.e., falls within the definition of a breach of the code of ethics or relevant bye-laws), they will consider how the matter could be mediated, including through the services of an external mediator.

At this stage, the aim will be to affect a resolution/settlement of the complaint to the satisfaction of both parties. If this cannot be achieved, the complaint is moved to the second stage.

5. *Second Stage*

If the complaint cannot be resolved through mediation, it proceeds to the second stage, where the investigating members of the Complaints Committee are joined by an extern, who must sign a declaration of confidentiality. The validity of the complaint will be assessed by this trio, and the findings returned to the Complaints Committee. The Committee will then decide either to uphold the complaint or not. In case of the complaint being upheld, the Ethics Committee will be informed, and will decide on the sanctions to be applied. If the complaint is not upheld, a letter to that effect will be issued to both parties.

6. *Appeals*

If either party to the complaint wishes to lodge an appeal against the findings of the Complaints Committee, they may do so in writing, stating their reasons for appealing, within 30 days of the decision being notified to them. The appeal should be sent to the Office of IAHIP, and will be heard by a Formal Board

¹ As approved at March 2005 AGM

convened by Governing Body for the purpose. The appeal will be decided based on whether the investigation was in line with procedure and its findings justified by evidence.

7. Setting the Complaints Procedure in context

- 7.1.1 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.
- 7.1.2 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."
- 7.1.3 The IAHIP Code of Ethics and Practice for Psychotherapists (Bye Law 3, 1.1) advocates the promotion of professional 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."
- 7.1.4 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."
- 7.1.5 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."
- 7.1.6 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."
- 7.1.7 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.
- 7.1.8 The ongoing development of the Complaints Procedure and its documentation are the responsibility of the Ethics Committee in collaboration with 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 regarding the Complaints Procedure, providing guidance and assistance to those serving on the Ethics Committee and the Complaints Committee, 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 due regard for confidentiality and the protection of the anonymity of all parties concerned.

8. Sanctions and Appeals

In the case of upheld complaints, the sanctions to be applied will be decided by the Ethics Committee, taking the advice of the Complaints Committee into consideration. These may include mandatory re-training, suspension of a particular area of practice, increased supervision, formal censure, temporary or full suspension of membership. Members against whom a complaint has been upheld must agree to abide by the terms of the sanctions, on pain of suspension of membership.

These sanctions may be appealed if the respondent feels that they are unduly harsh or inappropriate. The appeal against the sanctions should be lodged in writing to the Office of IAHIP, stating the reasons for appeal, within 30 days of the sanction being notified to her/him.

Appeals against sanctions will be heard by an independent assessor appointed by Governing Body, who will be a psychotherapist not serving on any administrative committee of IAHIP, with at least 5 years' accreditation. The appeal will be judged purely based on the correlation of the sanction to the upheld complaint, and will not revisit the findings of the Complaints Committee itself.

The decision of this independent assessor will be final.

9. Record Keeping

Records of the complaints process must be kept accurately, with all procedures fully recorded, dated and, where appropriate, signed. The records should be kept in confidential files in keeping with data protection guidelines, for the requisite amount of time. Access to the files shall be limited to those who have legitimate cause to examine them and all access shall be logged.