

AGIP GRIEVANCE, COMPLAINTS AND APPEALS PROCEDURE

Abbreviations used:

AGIP: The Association for Group and Individual Psychotherapy

UKCP: The UK Council for Psychotherapy

CPJA: Council for Psychoanalysis and Jungian Analysis College of UKCP

PEC: AGIP's Professional Ethics Committee

PECC: The AGIP Professional Ethics Committee Co-ordinator

CPP: The Complaints and Conduct Procedure of the UKCP

TC: AGIP's Training Committee

TCC: The AGIP Training Committee Co-ordinator

Codes of Practice: The AGIP Code of Ethics and AGIP Code of Professional Practice are published in the AGIP Members Handbook. The appraising Code of Practice for the Training (which includes a Code of Practice for Trainees) is published annually in the Clinical Training Course Handbook. The latter also contains the UKCP Code of Ethics and Professional Practice which is also found on the UKCP web site. In the administration of these procedures all members will be guided by the AGIP Conflict of Interest Policy and where a conflict arises, the member will appoint an alternate to carry out the required duties: such a process will not invalidate the implementation of these procedures.

If the member resigns from AGIP, or fails to renew AGIP membership, after a complaint has been received by PEC, the complaint will still proceed pursuant to this procedure unless, in exceptional circumstances, the PEC determines it would not be reasonable or in the public interest for it to do so.

In considering a grievance or complaint, the civil standard of proof (that is, on the balance of probabilities) will apply. The burden will be on the complainant (or their representative) to establish any underlying facts to this standard to the Hearing or Appeal Panel.

AGIP GRIEVANCE PROCEDURE

1 Preamble

THE GRIEVANCE PROCEDURE is an internal procedure for use of the members and employees of AGIP.

Its purpose is to provide a structure and process in which grievances can be resolved:

- (a) as quickly as possible
- (b) near their point of origin

The grievance procedure differs from the complaints procedure in that it does not deal with members' conduct in relation to violations of AGIP's Code of Ethics, Code of Professional Practice or Code for the Training.

Grievances may arise from conflicts and disputes between:

- Members of AGIP (including Professional, Honorary, Associate and Retired members, Students, Trainees and Training Members)
- Member(s) and employee(s) of AGIP
- Members or employees of AGIP and the organisation

Grievances, as opposed to complaints, are concerned with the purpose and function of AGIP as an organisation and the treatment and conduct of its members as set out in the constitution, the rules governing the training and the referrals of patients, contracts of employment as well as what can be considered fair and reasonable behaviour between all members and employees of the organisation.

A Grievance Procedure has two stages: one the informal stage and two, the formal stage.

2 The informal stage where a Student, Trainee or Training Member has a grievance

- 2.1 In the first instance, the member should air and discuss any grievance which arises directly with his/her personal tutor. If the member has a grievance with her/his tutor then the PECC will appoint a temporary tutor with whom the member can discuss the grievance.
- 2.2 If the tutor (or temporary tutor if one is appointed) is unable to resolve the grievance, then the member shall put full details of the grievance in writing which will then be referred to the PEC who will then meet with the aggrieved member or appoint a member of the PEC to meet the aggrieved member to discuss the grievance.
- 2.3 If the grievance is against the PECC then the Chair of Council will appoint a member to meet with the aggrieved member to discuss the grievance.
- 2.4 The person(s) against whom the grievance is being brought will receive a written copy of the grievance, normally within one week of the matter being referred to the PECC.
- 2.5 The PECC or his/her appointee may then invite the person(s) against whom the grievance is being brought to a meeting to discuss the grievance. The PECC or appointee may invite the aggrieved member to attend as well with the aim of resolving the grievance through informal conciliation. In carrying out his/her responsibilities in this matter, the PECC may consult with other members of AGIP. If the grievance is not with the TC or TCC, then the PECC may consult with members of the TC. The complainant and respondent may bring a friend to accompany them to such a meeting but must give advanced notice to the PECC with brief details of their friend.
- 2.6 If the grievance remains unresolved after such informal conciliation then the PECC will appoint a Panel which shall comprise one or more senior AGIP Members (senior in this respect normally means a Professional, Retired, Associate or Honorary member who has served in some capacity on an AGIP committee for at least three years) who are not directly involved in the member's training. This panel will normally meet within four weeks of being constituted.
- 2.7 The Panel may then invite the member and the person(s) against whom the grievance is being brought to attend a further meeting, the aim of which will be an attempt again to resolve the grievance through conciliation. Each party may prepare and submit documentation for this meeting. Such documentation will be shared with both parties to the grievance.
- 2.8 If, after such further meeting, the grievance still remains unresolved, then the member may institute the formal stage of the procedure set out below.

3 The formal stage where a Student, Trainee or Training Member has a grievance

The formal stage of the grievance procedure requires the forming of a panel to investigate the grievance, conduct a hearing and adjudicate whether or not the grievance is justified and what should happen as a result.

3.1 The Hearing Panel

- (a) The Hearing Panel will meet within 32 days of receiving notice from the PECC, unless this is not reasonably practicable.
- (b) The PECC or their representative will form the Hearing Panel which will consist of two senior members of AGIP (senior in this respect normally means a Professional, Retired, Associate or Honorary member who is at least three years post-qualified and preferably has some experience of organizational management or service on an AGIP committee) and one member of Council. The Panel will decide who will chair the Hearing.
- (c) Both parties will be invited by the Chair of the Hearing Panel to submit any other comments or evidence they wish the hearing to consider and name any witnesses they may wish to be called, no later than 15 working days before the date of the hearing. Full disclosure of all relevant material to both parties should be made at least 10 working days prior to the hearing to allow sufficient time for preparation.

3.2 Conduct of the hearing of a grievance

(a) Attendance at the hearing

The hearing cannot proceed in the absence of the complainant and his/her grievance may fail for lack of prosecution unless he/she can furnish adequate proof of ill health or a substantial reason for non-attendance. Failure to attend by the member complained against will result in the hearing taking place without his/her attendance unless adequate proof of ill health or a substantial reason for non-attendance can be furnished.

(b) Purpose

- (1) To hear the grievance being brought against the AGIP member, officer or committee in a formal hearing.
- (2) This is a formal, private, professional hearing.
- (3) The Hearing's purpose is to hear the grievance of A against B and to allow B to defend him/herself. We hope for openness, expression of self-doubt and honesty by both parties.

(c) Procedure

- (1) The conduct of the hearing is ultimately at the discretion of the Chair of the Hearing Panel, including the negotiation of breaks, but the following procedure is the one that will normally be followed.
- (2) Each party will have an aggregate of an hour (which may be extended at the discretion of the Hearing Panel) in which to speak, be represented by a colleague, legal advisor or friend. Either party may call witnesses, but they will only be called into the hearing as required. The Hearing Panel may, at its discretion, allow a witness to give evidence in the form of a letter but, if it does so, the Hearing Panel will decide what weight is put upon that evidence depending upon all the circumstances of the case.
 - (i) The complainant and/or their representative speaks to their grievance.
 - (ii) The respondent and/or their representative may question the complainant.
 - (iii) The respondent and/or their representative speak.
 - (iv) The complainant and/or their representative may question and the respondent.
 - (v) The complainant and/or their representative makes their concluding remarks.
 - (vi) The respondent and/or their representative makes their concluding remarks.
- (3) Members of the Hearing Panel may ask for clarification or ask relevant questions at any point in the hearing. Members of the Hearing Panel also have the right to intervene if they think the questioning is moving too far from the point at issue.

- (4) At the end of the hearing the Panel will order a recess in order to consider the case set before them. At the end of the recess the Chair of the Panel will sum up the hearing and then give a verbal decision followed by any sanctions if the grievance is upheld.
- (5) The Chair will send a written report to both parties, the AGIP Chair of Council, the TCC and the PECC, with regard to whether or not the grievance is upheld. The Hearing Panel will also consider whether there has been a breach of a section or sections of the AGIP Codes of Ethics, the Professional Practice or the Code of Practice or the Code of Practice for the Training or the UKCP Code of Ethics and Professional Practice: if the Panel believe that there has been such a breach then the PECC must consider whether further action is required. The report will also give details of any sanctions imposed.

3.3 Decisions of the Hearing Panel

- (a) If the Hearing Panel decides that there are no grounds to support the grievance, the Chair of the Hearing Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC indicating that the matter will be taken no further.
- (b) If the Hearing Panel decides that there are grounds to support the grievance, the Chair of the Hearing Panel will inform both parties of this, together with the Chair of AGIP Council, the TCC and the PECC, indicating that one or more of the following sanctions be put in place.
- (c) There is the right of appeal by both the complainant and the respondent.

3.4 Sanctions

- (i) A requirement that the member unreservedly apologises to the aggrieved person.
- (ii) A requirement that the member gives an assurance not to repeat the action that gave rise to the grievance.
- (iii) A requirement that the member undertakes the appropriate remedial action for example additional, monitored supervision and/or therapy with professionals approved by the TCC and in addition that the member reports back that this has been undertaken and completed by a specified date to the PECC. In considering this report the PECC may consult the TCC.
- (iv) An instruction to the member to cease teaching, supervising and/or any activity as a member from any committee, sub-committee, working party, panel or other body of AGIP for a specified period of time.
- (v) The Panel may at their discretion impose sanctions not detailed above which it believes are appropriate in the circumstances.
- (vi) Communication of sanctions: Where a grievance has been heard and upheld the Hearing Panel will consider how the outcome of the hearing is to be communicated. This could include a letter to the membership.
- (vii) Removal of sanctions: Conditions and time boundaries for removal of sanctions should be clearly stated by the Hearing Panel. Sanctions will be removed when, after the specified time, the member has applied to the PECC and been successful in implementing sanctions.
- (viii) There is the right of appeal to the Chair of Council on the grounds stated below.

3.5 In the case where the grievance is against a committee then the following range sanctions shall apply:

- a) The grievance is insufficiently serious to require any sanction or action
- b) The respondent(s) must apologise to the complainant
- c) The grievance, whilst upheld, only justifies the respondent(s) being admonished with no further action
- d) The complaint is upheld and the panel can instruct the respondent(s) to review the matter complained about with a view to changing or ameliorating the effects of the decision or behaviour being complained about.

3.6 The appeals procedure

(a) Grounds for appeal

The decisions of the Hearing Panel may be appealed against on the grounds:

- (i) That the Procedure was not properly followed.
- (ii) That the sanctions did not support the verdict.
- (iii) That there is new evidence which the original Hearing Panel did not hear because it was unavailable at the time of the hearing.

(b) How to appeal

The appellant must make the appeal in writing within 28 days of the Hearing Panel giving its verdict, addressed to: The AGIP Chair of Council setting out the grounds on which the appeal is being made.

(c) The organisation

- (i) When a written appeal is received by the Chair of Council, within 8 days he/she will inform the other party that an appeal has been received.
- (ii) The Chair of Council in consultation with the PECC will decide whether there is sufficient information within the Appeal to merit further investigation within one or more of the grounds of an appeal set out above and therefore the appeal can be heard
- (iii) If the appeal does not fall within any one or more of the grounds set out above the appellant will be informed, within 28 days, that the organisation itself will take no further action and explaining the reason.
- (iv) If the Chair of Council decides there are grounds for an appeal, he/she will appoint an Appeal Panel consisting of three senior Professional members of AGIP who will consider the appeal within 28 days or as soon as practicable of the appeal having been accepted. Members of the Hearing Panel or of the PEC or TC are not eligible to be on the Appeals Panel. The Appeals Procedure will take the form of a full hearing but will consider only the grounds on which the Appeal has been accepted.
- (v) The procedure of the Appeals Panel will follow that in paragraph 3.2 above.

(d) If the appeal is not upheld

If the appeal is not upheld the organisation's appeal process is deemed to be concluded. The Appeal Panel will inform both parties of this, together with the Chair of AGIP Council, the TCC and the PECC, explaining the reasons for the decision.

(e) If the appeal is upheld

If the appeal is upheld the Appeal Panel can vary the original sanctions (within those listed in 3.4 or 3.5 above, as appropriate) as it sees fit depending upon all the circumstances of the case. The organisation's appeal process is now deemed to be concluded and this decision is final.

4 The informal stage where a Professional, Honorary, Associate or Retired Member has a grievance

4.1 In the first instance, the member should air and discuss any grievance which arises directly with the person against whom he/she has the grievance. Both the aggrieved and the person aggrieved against may invite a friend to support them at such a meeting.

4.2 If at this meeting it is not able to resolve the grievance, then the member shall put full details of the grievance in writing which will then be referred to the PECC or his/her appointee who will then meet with the member to discuss the grievance.

4.3 The person(s) against whom the grievance is being brought will receive a written copy of the grievance, normally within one week of the matter being referred to the PECC.

- 4.4 The PECC or his/her appointee may then invite the person(s) against whom the grievance is being brought to a meeting to discuss the grievance. The PECC or appointee may invite the member to attend as well with the aim of resolving the grievance through informal conciliation. In carrying out his/her responsibilities in this matter, the PECC may consult with another member of the PEC.
- 4.5 If the grievance remains unresolved after such informal conciliation then the PECC will appoint a Panel which shall comprise one or more senior AGIP Members who are not directly involved with the member. This panel will normally meet within four weeks of being constituted.
- 4.6 The Panel may then invite the member and the person(s) against whom the grievance is being brought to attend a further meeting, the aim of which will be an attempt again to resolve the grievance through conciliation. Each party may prepare and submit documentation for this meeting, such documentation being shared with all parties.
- 4.7 If, after such further meeting, the grievance still remains unresolved, then the member may institute the formal stage of the procedure set out below.

5 The formal stage where a Professional, Retired, Associate or Honorary Member has a grievance

The formal stage of the grievance procedure requires the forming of a panel (below) to investigate the grievance, conduct a hearing and adjudicate whether or not the grievance is justified and what should happen as a result.

5.1 The Hearing Panel

- (a) The Hearing Panel will meet within 32 days of receiving notice from the PECC, unless this is not reasonably practicable.
- (b) The PECC or their representative will form the Hearing Panel which will consist of: a member of similar standing to the aggrieved or aggrieved against party, one senior member of AGIP (senior in this respect means a Professional, Retired, Associate or Honorary member who has served in some capacity on an AGIP committee for at least three years) and one member of Council. The Panel will decide who will chair the Hearing.
- (c) Both parties will be invited by the Chair of the Hearing Panel to submit any other comments or evidence they wish the hearing to consider and name any witnesses they may wish to be called, no later than 15 working days before the date of the hearing. Full disclosure of all relevant material to both parties should be made at least 10 working days prior to the hearing to allow sufficient time for preparation.

5.2 Conduct of the hearing of a grievance

(a) Attendance at the hearing

The hearing cannot proceed in the absence of the complainant and his/her grievance may fail for lack of prosecution unless he/she can furnish adequate proof of ill health or a substantial reason for non-attendance. Failure to attend by the aggrieved member will result in the hearing taking place without his/her attendance unless adequate proof of ill health or a substantial reason for non-attendance can be furnished.

(b) Purpose

- (1) To hear the grievance being brought against the AGIP member, officer or committee in a formal hearing.
- (2) This is a formal, private, professional hearing.
- (3) The Hearing's purpose is to hear the grievance of A against B and to allow B to defend him/herself. We hope for openness, expression of self-doubt and honesty by both parties.

(c) Procedure

- (1) The conduct of the hearing is ultimately at the discretion of the Chair of the Hearing Panel, including the negotiation of breaks, but the following procedure is the one that will normally be followed.
- (2) Each party will have an aggregate of an hour (which may be extended at the discretion of the Hearing Panel) in which to speak, be represented by a colleague, legal advisor or friend. Either party may call witnesses, but they will only be called into the hearing as required. The Hearing Panel may, at its discretion, allow a witness to give evidence in the form of a letter but, if it does so, the Hearing Panel will decide what weight is put upon that evidence depending upon all the circumstances of the case.
 - (i) The complainant and/or their representative speaks to their grievance.
 - (ii) The respondent and/or their representative may question the complainant.
 - (iii) The respondent and/or their representative speak.
 - (iv) The complainant and/or their representative may question and the respondent.
 - (v) The complainant and/or their representative makes their concluding remarks.
 - (vi) The respondent and/or their representative makes their concluding remarks.
- (6) Members of the Hearing Panel may ask for clarification or ask relevant questions at any point in the hearing. Members of the Hearing Panel also have the right to intervene if they think the questioning is moving too far from the point at issue.
- (7) At the end of the hearing the Panel will order a recess in order to consider the case set before them. At the end of the recess the Chair of the Panel will sum up the hearing and then give a verbal decision followed by any sanctions if the grievance is upheld.
- (8) The Chair will send a written report to both parties, the AGIP Chair of Council and the PECC, with regard to whether or not the grievance is upheld. The Hearing Panel will also consider whether there has been a breach of a section or sections of the AGIP Codes of Ethics and Professional Practice or the Code of Practice or the UKCP Code of Ethics and Professional Practice: if the Panel believe that there has been such a breach then the PECC must consider whether further action is required. The report will also give details of any sanctions imposed. Note: some professional members will not be UKCP Registrants however as AGIP is an organisational member of UKCP, members are still required to follow the UKCP Code of Ethics and Professional Practice.

5.3 Decisions of the Hearing Panel

- (a) If the Hearing Panel decides that there are no grounds to support the grievance, the Chair of the Hearing Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC indicating that the matter will be taken no further.
- (b) If the Hearing Panel decides that there are grounds to support the grievance, the Chair of the Hearing Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC, indicating that one or more of the following sanctions be put in place.
- (c) There is the right of appeal by both the complainant and the respondent.

5.4 Sanctions

- (i) A requirement that the member unreservedly apologises to the aggrieved person.
- (ii) A requirement that the member gives an assurance not to repeat the action that gave rise to the grievance.
- (iii) A requirement that the member undertakes the appropriate remedial action for example additional, monitored supervision and/or therapy with professionals approved by the PECC and in addition that the member reports back that this has been undertaken and completed by a specified date to the PECC.
- (iv) An instruction to the member to cease teaching, supervising and/or any activity as a member from any committee, sub-committee, working party, panel or other body of AGIP for a specified period of time.
- (v) The Panel may at their discretion impose sanctions not detailed above which it believes are appropriate in the circumstances.
- (vi) Communication of sanctions: Where a grievance has been heard and upheld the Hearing Panel will consider how the outcome of the hearing is to be communicated. This could include a letter to the membership.
- (vii) Removal of sanctions: Conditions and time boundaries for removal of sanctions should be clearly stated by the Hearing Panel. Sanctions will be removed when, after the specified time, the member has applied to the PECC and been successful in implementing sanctions.
- (viii) There is the right of appeal to the Chair of Council on the grounds stated below.

5.5 In the case where the grievance is against a committee then the following range sanctions shall apply:

- a) The grievance is insufficiently serious to require any sanction or action
- b) The respondent(s) must apologise to the complainant
- c) The grievance, whilst upheld, only justifies the respondent(s) being admonished with no further action
- d) The complaint is upheld and the panel can instruct the respondent(s) to review the matter complained about with a view to changing or ameliorating the effects of the decision or behaviour being complained about.

5.6 The appeals procedure

(a) Grounds for appeal

The decisions of the Hearing Panel may be appealed against on the grounds:

- (i) That the Procedure was not properly followed.
- (ii) That the sanctions did not support the verdict.
- (iii) That there is new evidence which the original Hearing Panel did not hear because it was unavailable at the time of the hearing.

(b) How to appeal

The appellant must make the appeal in writing within 28 days of the Hearing Panel giving its verdict, addressed to: The AGIP Chair of Council setting out the grounds on which the appeal is being made.

(c) The organisation

- (i) When a written appeal is received by the Chair of Council, within 8 days he/she will inform the other party that an appeal has been received.
- (ii) The Chair of Council in consultation with the PECC will decide whether there is sufficient information within the Appeal to merit further investigation within one or more of the grounds of an appeal set out above and therefore the appeal can be heard

(iii) If the appeal does not fall within any one or more of the grounds set out above the appellant will be informed, within 28 days, that the organisation itself will take no further action and explaining the reason.

(iv) If the Chair of Council decides there are grounds for an appeal, he/she will appoint an Appeal Panel consisting of three senior Professional members of AGIP who will consider the appeal within 28 days or as soon as practicable of the appeal having been accepted. Members of the Hearing Panel or of the PEC are not eligible to be on the Appeals Panel. The Appeals Procedure will take the form of a full hearing but will consider only the grounds on which the Appeal has been accepted.

(v) The procedure of the Appeals Panel will follow that in paragraph 3.2 above.

(d) If the appeal is not upheld

If the appeal is not upheld the organisation's appeal process is deemed to be concluded. The Appeal Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC, explaining the reasons for the decision.

(e) If the appeal is upheld

If the appeal is upheld the Appeal Panel can vary the original sanctions (within those listed in 3.4 or 3.5 above, as appropriate) as it sees fit depending upon all the circumstances of the case. The organisation's appeal process is now deemed to be concluded and this decision is final.

AGIP COMPLAINTS PROCEDURE

1. The function of the Complaints Procedure

As a final procedure in respect of respondents who are AGIP Professional, Honorary, Associate or Retired members but who are not Registrants with UKCP via AGIP and for all students, trainees and training members who are not covered by the UKCP Complaints and Conduct Process (CCP)

For members of AGIP who are UKCP Registrants, any complaint must be made to UKCP under its Complaints procedure. An AGIP member who is subject to a complaint through the UKCP procedures may ask the PEC to nominate an AGIP member to support them through the process.

The exception to the above is where a supervisee has a complaint against their AGIP supervisor who is a UKCP Registrant: such complaints are not considered under the UKCP CPP and will be considered within the provisions of the procedures below. If a complaint against an AGIP supervisor has been heard under the UKCP CCP then whatever the outcome, it will not be considered under these procedures.

These procedures have been formulated on the basis that the complainant is usually a patient or supervisee. However, where a member of AGIP reports another member to the PECC for breach of the Code of Ethics and Practice, then the complainant becomes AGIP which will usually be represented in the process by someone from the PEC or Council.

The burden of proof to be applied in these procedures is that applied in civil cases within the English system of justice, that is, 'on the balance of probability'.

2. Complaints

THE PROCEDURE is for patients, supervisors and colleagues who complain about the conduct of AGIP Professional, Honorary, Associate and Retired members who are not UKCP registrants via AGIP, and

for all students, trainees and training members, and also for any member of AGIP who complains of the conduct of any other member who is not a UKCP registrant via AGIP. The procedures also cover supervisees complaining about the conduct of any AGIP member.

THE PURPOSE is to provide a means of examining a complaint, which may be brought by a patient, supervisor or supervisee of an AGIP Professional member, Honorary member, Associate member, Retired member, student, trainee or training member or by any member of AGIP complaining about the conduct of any other member of AGIP, alleging a violation of any of the sections of the AGIP Code of Ethics, Code of Professional Practice and/or Code of Practise for the Training as appropriate.

AGIP may consider complaints made by third parties where there is an alleged breach of the Code of Ethics and/or Code of Professional Practice and/or Code of Practise for the Training which would be of public interest.

3. Members and complaints covered

- (a) Complaints which occurred when the AGIP member was with another organisation and working under the rules of that organisation would in the first instance be heard by that organisation.
- (b) Complaints against an AGIP member which occurred when the member was also with another organisation will be heard by AGIP unless the complaint can be more appropriately dealt with by any such other organisation.
- (c) When a complaint has been upheld against an AGIP therapist in another organisation, AGIP PEC may consider what further action is required as necessary.
- (d) If the complainant and the member complained against cannot agree on which organisation should properly hear the complaint, the matter will be referred to the Professional Conduct Officer or the Registrar of UKCP for resolution.
- (e) All complaints must be made using the AGIP Complaints Form in order that the PEC has the necessary information to proceed through the required procedures. Complainants might be asked for further information if the PECC decides that insufficient has been provided on the Form.

4. Timescale

A formal complaint should normally be lodged within three years either of the events which form the substance of the complaint or from when the complainant became aware that there were grounds for a complaint.

AGIP is committed to making every effort to respond to complaints promptly and efficiently. The timetable set out within the Complaints Procedure stands, with the exception of holiday periods, at:

- (a) Christmas (ten working days)
- (b) Easter (ten working days)
- (c) All Public Holidays in England and Wales
- (d) The calendar months of July and August.

5. Expenses

AGIP will not be responsible for travel or any other expenses incurred by the complainant or the member complained against at any stage of the complaint.

6. Place

All hearings will be held at AGIP, or at a nearby venue.

7. Making a complaint

- (a) Before submitting a formal written complaint to AGIP, the complainant will normally discuss the complaint with the PECC or their representative.
- (b) The PECC or their representative will give information about their options, which could include making the complaint to AGIP or a more appropriate organisation or mediation.
- (c) The PECC or their representative will provide the complainant with AGIP's Code of Ethics, Code of Professional Practice and in the case of a student, trainee or training member, the Code of Practice for the Training, within 5 working days.

8. Screening

- a) Stage 1: When the written complaint arrives at AGIP, the PECC will form a Screening Panel of 2 senior AGIP and/or CPJA members to consider it. No member shall sit on any committee or panel to deal with any complaint where there is likely to be a conflict of interest. The purpose of the screening is to check that the complaint constitutes a violation of AGIP's Code of Ethics and/or Code of Professional Practice and/or for a student, trainee or training member, the Code of Practice for the Training, and to assess the seriousness of the allegations and the likelihood that the case may be proven. These factors will determine how the complaint will be taken forward. The Screening Panel will endeavour to respond to the PECC with an INTERIM report within 28 days of receipt of a complaint.
- b) If the Screening Panel decides that there is insufficient information to support the allegations, the Screening Panel will write to the complainant to explain why. The complainant can take this information into account and resubmit the complaint one more time within 15 days.
- c) Stage 2: If the Screening Panel decides that on the basis of the evidence so far considered there is a *prima facie* case, the PECC will provide the member with details of the allegations within 15 days of receipt of the INTERIM report and ask the member to respond in writing with evidence or a statement within 28 days. Stage 3: Upon receipt of a response from the member, the Screening Panel may, within 15 days, also ask the member and the complainant to provide further information including documents or statements of evidence to the allegation to be considered by the Screening Panel. Such documents and statements must be provided in writing within 28 days. All documents and statements provided as part of this process will be sent to both parties.
- d) The Screening Panel will recommend the case progress if it appears that there is a realistic prospect of the complainant establishing that the member has breached the Code of Ethics and/or Code of Professional Practice and/or in the case of a student, trainee or training member, the Code of Practice for the Training
- e) Stage 4: On the basis of the answers received and evidence provided, the Screening Panel will write its FINAL report and send it within 28 days (or as soon thereafter) to both parties and the Chair of AGIP and the PECC, outlining their findings and making one of three recommendations:
 - (i) That there is no case to answer.
 - (ii) That there is a case, where resolution through mediation is recommended.
 - (iii) That there is a case to answer and there should be a hearing.

The Screening Panel will determine whether the complaint is of criminal or professional nature, demanding a criminal or professional hearing. The complaint will be deemed criminal when there is

a burden of proof of criminality and therefore should be referred to the police and heard in a criminal hearing.

f) If the Screening Panel has found that there is no case to answer the complainant has the right, within 28 days, to appeal to AGIP on the grounds that either the procedure of the investigation was not properly followed or that there is new evidence which could not have been made available at the time of the investigation.

g) In the case of progression through mediation, the PECC will write to the complainant and the complained against member to suggest mediation with a professionally trained external mediator. The mediator will report to both parties, the PECC and the Chair of AGIP Council. Mediation is optional and both parties must agree. Either the complainant or the member can decline mediation. Costs of mediation will be paid by AGIP. The length and cost of mediation will be determined by the PECC in conjunction with AGIP Treasurer. If mediation is declined or fails to resolve the matter then a Hearing Panel will be appointed to hear the complaint.

(h) Anyone involved in the preparatory consultations should not be on any subsequent panel which will deal with the complaint.

(i) If mediation is considered inappropriate, is declined or failed to resolve the matter and the complainant wishes to pursue the complaint, the case will be referred to be heard by the Hearing Panel.

(j) In the case where the Screening Panel has determined that there should be a Hearing Panel, the Screening Panel must also consider whether the circumstances are such that an Interim Suspension Order (ISO) might be necessary.

9. Interim Suspension Orders

(a) The Interim Suspension Order process is available at any stage of the Complaints Procedure after a written complaint has been received by AGIP.

(b) If a complaint suggests to the PECC, Screening Panel or the Hearing Panel that an Interim Suspension Order may be necessary for public protection, be otherwise in the public interest and/or be in the interests of the member, the PECC will request and make an application for an Interim Suspension Order.

(c) An application for an Interim Suspension Order will be heard by an Interim Order Panel. An Interim Order Panel normally consists of three persons and may be assisted by a Secretary and may have the assistance of an independent Legal Assessor.

(d) An Interim Order Panel will normally comprise two professional persons who are psychotherapists and a lay Chair and will be appointed by the PECC selected from a list held by AGIP. The PECC will notify the member and the person making the application on behalf of AGIP of the time, date and venue for the Interim Order Panel hearing.

(e) The application for an Interim Suspension Order shall be served on the member in such time in advance of the Interim Order Panel hearing as may be reasonable in all the circumstances of the case.

(f) The application for an Interim Suspension Order shall include a copy of the complaint or any information and state the reasons why an Interim Suspension Order may be necessary for the protection of members of the public, or is otherwise in the public interest, or is in the interest of the member.

(g) The PECC will serve the application on the member and the Interim Order Panel.

(h) The member will be given an opportunity to appear before an Interim Order Panel and submit representations before the Interim Suspension Order is issued.

- (i) The Interim Order Panel may make an Interim Suspension Order notwithstanding the absence of the member, if the Interim Order Panel is satisfied that all reasonable efforts have been made to serve the member with the application.
- (j) The request for an Interim Suspension Order will be determined by an Interim Order Panel upon hearing representations from the PECC and the member.
- (k) The Interim Order Panel will deliberate in private and make and notify the parties of the following decision:
 - (i) whether to grant an Interim Suspension Order;
 - (ii) the length of an Interim Suspension Order (maximum of 18 months);
 - (iii) the terms of the Interim Suspension Order; and
 - (iv) the arrangements for review of the Interim Suspension Order.
- (l) Orders should be reviewed by an Interim Order Panel:
 - (i) as directed by the initial Interim Order Panel; and/or
 - (ii) shortly before the expiry of an existing Interim Suspension Order; and/or
 - (iii) in the event of a significant change of circumstances.
- (m) The UKCP and CPJA will be notified of any agreed Interim Suspension Orders.
- (n) Details of Interim Suspension Orders will be published in accordance with AGIP's Publication of Decisions Policy.

10. The Hearing Panel

- (a) The Hearing Panel will meet within 32 days of receiving notice from the PECC, unless this is not reasonably practicable.
- (b) The PECC or their representative will form the Hearing Panel which will consist of one professional member of AGIP, one professional member of another organisation from the CPJAC of UKCP or BPC and a lay person who will Chair the Panel.
- (c) Both parties will be invited by the Chair of the Hearing Panel to submit any other comments or evidence they wish the hearing to consider and name any witnesses they may wish to be called, no later than 15 working days before the date of the hearing. Full disclosure of all relevant material to both parties should be made at least 10 working days prior to the hearing to allow sufficient time for preparation.

11. Conduct of the hearing of a complaint

(a) Attendance at the hearing

The hearing cannot proceed in the absence of the complainant and his/her action may fail for lack of prosecution unless he/she can furnish adequate proof of ill health or a substantial reason for non-attendance. Failure to attend by the member will result in the hearing taking place without his/her attendance unless adequate proof of ill health or a substantial reason for non-attendance can be furnished.

(b) Purpose

To hear the complaint being brought against the AGIP member in a formal hearing.

This is a formal, private, professional hearing.

The hearing's purpose is to hear the complaint of A against B and to allow B to defend him/herself.

We hope for openness, expression of self-doubt and honesty by both parties.

(c) Procedure

The conduct of the hearing is ultimately at the discretion of the Chair of the Hearing Panel, including the negotiation of breaks, but the following procedure is the one that will normally be followed.

Each party will have an aggregate of an hour (which may be extended at the discretion of the Hearing Panel) in which to speak, be represented by a colleague, legal advisor or friend. Either party may call witnesses, but they will only be called into the hearing as required. The Hearing Panel may,

at its discretion, allow a witness to give evidence in the form of a letter but, if it does so, the Hearing Panel will decide what weight is put upon that evidence depending upon all the circumstances of the case.

- (i) The complainant and/or their representative speaks to their complaint.
- (ii) The respondent and/or their representative may question the complainant.
- (iii) The respondent and/or their representative speak.
- (iv) The complainant and/or their representative may question and the respondent.
- (v) The complainant and/or their representative makes their concluding remarks.
- (vi) The respondent and/or their representative makes their concluding remarks.

Members of the Hearing Panel may ask for clarification or ask relevant questions at any point in the hearing. Members of the Hearing Panel also have the right to intervene if they think the questioning is moving too far from the point at issue.

At the end of the hearing the Panel will order a recess in order to consider the case set before them. At the end of the recess the Chair of the Panel will sum up the hearing and then give a verbal decision followed by any sanctions if the complaint is upheld.

(viii) The Chair will send a written report to both parties, the AGIP Chair of Council and the PECC, with regard to whether or not there has been a breach of a section or sections of the AGIP Codes of Ethics and Professional Practice and/or in the case of a student, trainee or training member the Code of Practice for the Training and, as appropriate, the sanctions imposed.

12. Vulnerable witnesses

In proceedings before a Hearing or Appeal Panel the following people may, where the quality of their evidence is likely to be adversely affected, be treated as vulnerable witnesses:

- (a) any witness under the age of 17 at the time of the hearing;
- (b) any witness with a mental disorder within the meaning of the Mental Health Act 1983;
- (c) any witness who is significantly impaired in relation to intelligence and social functioning; any witness with physical disabilities who requires assistance to give evidence;
- (d) any witness where the allegation against the practitioner is of a sexual nature and the witness was the alleged victim; and
- (e) any witness who complains of intimidation.

Subject to any representations from the parties or the basis of legal advice, a Hearing or Appeal Panel may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness. Measures adopted may include, but are not limited to:

- (i) use of video links;
- (ii) use of pre-recorded evidence of a witness, provided that the witness is available at the hearing for examination;
- (iii) use of interpreters, signers, translators or intermediaries;
- (iv) screens or similar provisions.

Where the allegation against the member involves matters that are sexual in nature, and where the witness is an alleged victim and the member is acting in person or is not legally represented, the member will not be permitted to cross-examine the witness directly. The member will be permitted to appoint a representative to cross-examine the witness, subject to approval by the Hearing or Appeal Panel.

13. Decisions of the Hearing Panel

(a) If the Hearing Panel decides that the member complained against is not guilty of a breach of sections or sections of the AGIP Codes of Ethics and Professional Practice, and in the case of a student, trainee or training member the Code of Practice for the Training, the Chair of the Hearing Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC indicating that the matter will be taken no further.

(b) If the Hearing Panel decides that the member complained against is guilty of a breach of a section or sections of the AGIP Code of Ethics and Professional Practice, and in the case of a student, trainee or training member the Code of Practice for the Training, the Chair of the Hearing Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC, indicating that one or more of the following sanctions be put in place.

(c) There is the right of appeal by both the complainant and the respondent.

Sanctions:

Hearing and Appeals Panels will be provided with copies of and be guided by the AGIP Indicative Sanctions Guidelines. These Guidelines allow a range of sanctions including:

(i) A requirement that the member undertakes the appropriate remedial action for example additional, monitored supervision and/or therapy with professionals approved by the PEC and in addition that the member reports back that this has been undertaken and completed by a specified date to the PECC.

(ii) An instruction to the member to cease teaching, supervising and/or any activity as a member from any committee, sub-committee, working party, panel or other body of AGIP for a specified period of time.

(iii) Suspension of membership of AGIP for a specified period of time or termination of membership in cases of serious professional misconduct. In a case of suspension from membership, the member must be instructed to cease practising as a psychotherapist for the duration of the suspension. Special attention to be given to the therapist's caseload as the therapist is being asked to cease practicing psychotherapy. Serious professional misconduct is defined as actions of the psychotherapist that are exploitative emotionally, sexually or financially or are discriminatory on the grounds of class, race, culture, gender, sexual orientation or religion.

(iv) Communication of sanctions: Where a complaint has been heard and upheld and that the breach of AGIP's Code is of public or membership interest, the Hearing Panel will consider how the outcome of the hearing is to be communicated. This could include a letter to the membership and a will include a posting on the AGIP website.

(v) The Registrar of the UKCP will be informed where a suspension or termination of membership is imposed on a UKCP member in training.

(vi) Removal of sanctions: Conditions and time boundaries for removal of sanctions should be clearly stated by the Hearing Panel. Sanctions will be removed when, after the specified time, the member has applied to the PECC and been successful in implementing sanctions.

(vii) On the final decision of the Hearing Panel any ISO will lapse unless the decision is appealed by either the complainant or the member.

(viii) There is the right of appeal to the PECC on the grounds stated below.

14. The appeals procedure

(a) Grounds for appeal

The decisions of the Screening Panel or the Hearing Panel may be appealed against on the grounds:

- (i) That the Complaints Procedure was not properly followed.
- (ii) That the sanctions did not support the verdict.
- (iii) That there is new evidence which the original committee did not hear because it was unavailable at the time of the hearing.

(b) How to appeal

The appellant must make the appeal in writing within 28 days of the Hearing Panel giving its verdict or the Screening Panel making its decision, addressed to: The AGIP Chair of Council, and the PECC setting out the grounds on which the appeal is being made.

(c) The organisation

- (i) When a written appeal is received by the PECC, within 8 days he/she will inform the other party that an appeal has been received.
- (ii) The PEC will decide whether there is sufficient information within the Appeal to merit further investigation within one or more of the grounds of an appeal set out above and therefore the appeal can be heard
- (iii) If the appeal does not fall within any one or more of the grounds set out above the appellant will be informed, within 28 days, that the organisation itself will take no further action and explaining the reason.
- (iv) If the PEC decides there are grounds for an appeal, it will appoint an Appeal Panel consisting of one Professional member of AGIP and/or another organisation from the CPJAC of UKCP and a lay member who will consider the appeal within 28 days or as soon as practicable, of the appeal having been accepted. Members of the original Hearing Panel or the Screening Panel or of the PEC are not eligible to be on the Appeals Panel. The Appeals Procedure will take the form of a full hearing but will consider only the grounds on which the Appeal has been accepted.

(d) If the appeal is not upheld

If the appeal is not upheld the organisation's appeal process is deemed to be concluded. The Appeal Panel will inform both parties of this, together with the Chair of AGIP Council and the PECC, explaining the reasons for the decision.

(e) If the appeal is upheld

If the appeal is upheld the Appeal Panel can vary the original sanction as it sees fit depending upon all the circumstances of the case. The organisation's appeal process is now deemed to be concluded. If the member is a UKCP Registrant the decision notified to the UKCP. This decision is final.

(f) Interim Suspension Orders

Any ISO will lapse on the final decision of the Appeals Panel.

15. Roles and functions of the Chairs of the various committees

(a) THE CO-ORDINATOR OF THE PROFESSIONAL ETHICS COMMITTEE (PECC) is the permanent presence throughout the resolution of a complaint. He/she follows the course of the case, ensuring procedures are correctly followed and checking on legality issues when required. The PECC may appoint an alternate to act in her/his place if there is a perceived conflict of interest.

(b) THE CHAIRS OF THE HEARING PANEL AND THE APPEALS PANEL are responsible for all matters connected with the hearing, including the conduct of the hearing and keeping the boundaries of time throughout.

16. Special provisions relating solely to Students, Trainees and Training Members

- (a) All students, trainees and training members of AGIP will abide by the Code of Ethics and Code of Professional Practice, and the UKCP Code of Ethics and Practice as if they were Professional members of AGIP and in addition must abide by the Code of Practice for the Training but shall not thereby acquire any voting rights in respect of any proceedings of AGIP whether at the AGM or otherwise nor be entitled to be elected to the PEC.
- (b) The TC is able to refer a student, trainee or training member to the PECC for consideration under these procedures where the committee believes that the member has broken the Code of Practice for the Training and/or the AGIP Codes of Ethics and Practice and/or the UKCP Code of Ethics and Practice. The TCC and PECC will agree who will act as the complainant for the purposes of these procedures.
- (c) In the event of a complaint being made against a student, trainee or training member under the terms of the Codes of Ethics and Practice and or the UKCP Code of Ethics and Practice, a mentor will be appointed by the Chair of Council to support the student, trainee or training member. Such a mentor will be an appropriately experienced member of AGIP but need not be a member of the TC. The student, trainee or training member may opt to choose to appoint their own mentor from within the AGIP membership rather than opt for the one proposed by the Chair of Council.
- (d) So far as the provisions of section 13 of the Complaints Procedure in respect of sanctions/disciplinary action are concerned there shall be substituted in relation to students, trainees and training members provision for: suspension or expulsion from training or registration as a student, trainee or training member in lieu of the provision for suspension or expulsion from membership. Panels may also impose further requirements including but not limited to: additional training in the area(s) of concern raised by the complaint; a written reflective essay on what has been learnt from the process; additional supervision on a particular aspect of practice or behaviour.
- (e) In the event of any complaint against a student, trainee or training member under the terms of the AGIP Code of Ethics and Practice or the UKCP Code of Ethics and Professional Practice, the PECC shall in addition to the obligations imposed under those Codes send a copy of the complaint to the TC and at all times keep the TCC sufficiently informed of the progress of the complaint.
- (f) On being informed that a student, trainee or training member is subject to a Hearing or Appeal Panel, the Training Committee may decide to place the respondent's progress on the training on hold until the complaint is finally resolved. This may include but is not limited to: requiring the trainee or training member to pause their clinical work: placing on hold the submission of assignments, papers and reports; and giving of notice of submission of the Final qualifying paper.
- (g) If an Investigating, Hearing or Appeal Panel decide that a complaint from a student, trainee or training member is frivolous or vexatious or on the balance of probability is untrue then it will
- Instruct the Training Committee to keep a note of this on the student's, trainee's or training member's file; and
 - Instruct the Training Committee to review whether in the light of its findings, whether the student, trainee or training member is ready to be a therapist and/or part of a training where sensitive, personal, clinical information is shared by teachers and colleague trainees. AGIP regards it as an important ethical issue that members

treat each other respectfully and with honesty, so the TCC may refer such cases to the PECC under (b) above for investigation as a complaint under section 3.3.7 (c) of the AGIP Code of Professional Practice.

17. Medical concerns about member

- (a) This process is available at any stage of the Complaints Procedure.
- (b) Where an allegation appears to raise an issue regarding a member's physical or mental health which could affect their practice, the PECC will invite the member to attend an assessment with a medical practitioner appointed by AGIP at its own expense.
- (c) If the member refuses to attend a medical assessment, the Hearing or Appeal Panel will be notified of the refusal and will take it into consideration when considering the member's suitability to be a member of AGIP.
- (d) The medical practitioner will examine the member and report on (i) his physical health or (ii) his mental health or both, and its relevance to the member's professional practice.
- (e) The member is entitled to nominate other medical practitioners, at his own expense, to submit a report to the PECC or the Hearing or Appeal Panel (as appropriate) on his physical or mental health, which will be considered in addition to AGIP's medical assessor's report.

18. Appeals to UKCP

The above procedures are final and there is no appeal to the UKCP.

19. Complaints against AGIP by a member of AGIP or a member of the public

These procedures are interim in that UKCP are planning to publish procedures to cover complaints against Organisational Members and once published the UKCP procedures will over-ride the following AGIP procedures.

- (a) If through the Grievance Procedure a grievance brought by an AGIP member against AGIP cannot be resolved, then these special complaints procedures shall apply.
- (b) Complaints against AGIP include complaints against: a committee or committees; Council, and are specifically about an action or decision, or lack of action, in carrying out the duties on behalf of AGIP. In this sense it is different from an alleged breach of the Code of Ethics or Code of Professional Practice or Code of Practice for the Training or the UKCP Code of Ethics and Professional Practice although a Code might be breached.
- (c) These special procedures are open to all classes of membership of AGIP and for persons who are not members of AGIP. In the case of students, trainee and training members, complaints against an academic decision of the Training Committee will not be considered. Academic decisions within the training include but are not limited to: grades on assignments and reports; assessment by the Training Committee of reports from teachers, tutors, and supervisors; the approval of personal psychotherapists and training supervisors; progression from one year of training to the next.
- (d) A complaint must be lodged with the PECC within three years of the event complained about or within three years of becoming aware that there is cause to complain. The AGIP Complaints form should be used specifying the Committee(s) or Council in place of the 'Psychotherapist's name'.
- (e) The PECC, or in the event of a conflict of interest an independent senior AGIP member appointed by the Chair of Council will appoint an independent Investigating Panel of two senior members from other CPJA organisations together with a lay chair person.
- (f) The procedure of the Investigating Panel will be as follows:

- (i) The panel will perform a screening process along the lines described in paragraph 8 above to determine if there is a prima facia case.
- (ii) If it is determined that there is no prima facia case then the complaint will be dismissed. The complainant may appeal under procedures similar to those in paragraph 14 above and on the same grounds as those in paragraph 14(a) above.
- (iii) If at the screening stage or hearing stage the Investigating Panel determine that the complaint is either vexatious or frivolous then any costs incurred by AGIP in the case shall be met by the complainant.
- (iv) If the panel determine there is a prima facia case to answer then they will move on to become a Hearing Panel and hear the case following the lines of the procedure in paragraphs 10 and 11 above.
- (v) The range of sanctions available to the Panel are:
 - a) The complaint is insufficiently serious to require any sanction or action
 - b) The respondent(s) must apologise to the complainant
 - c) The complaint, whilst upheld, only justifies the respondent(s) being admonished with no further action
 - d) The complaint is upheld and the panel can instruct the respondent(s) to review the matter complained about with a view to changing or ameliorating the effects of the decision or behaviour being complained about.
 - e) Decisions under (c) and (d) are reported to UKCP and CPJA.
- (g) The complainant and respondent(s) have the right of appeal over the decision of the Investigating Panel under the same conditions and procedures as in paragraph 14 above.
- (h) In the event of an appeal the PECC or independent senior AGIP member appointed by the Chair of Council (as in sub-paragraph 19 (e) above) will appoint an Appeal Panel of two senior members from other CPJA organisations together with a lay chair person to hear the appeal. These may not be the same persons who were on the Investigating Panel.
- (i) The grounds for the appeal are the same as those listed in paragraph 14 (a) and the PECC or independent senior AGIP member appointed by the Chair of Council, as appropriate, will determine if the test to hear an appeal is met. Their decision will be final.
- (j) Should an Appeal Panel have to be called, on the basis of the evidence presented the Panel it may confirm or amend the decision of the Investigating Panel within the list of sanctions in (v) above.
- (k) There is no further appeal within the AGIP Procedures following the final decision of the Appeal Panel.
- (l) As AGIP is an organisational member of the UKCP, the complainant can seek permission from the UKCP for the CCP hear a further appeal at the UKCP.

20. UKCP Registrants

Members of AGIP who are UKCP registrants who, following the UKCP CPP processes are suspended from the UKCP Register, shall automatically have their membership of AGIP suspended for the same period. If a Registrant is permanently removed from the Register then membership of AGIP is automatically terminated.

21. Restoration of membership process

This process applies if a person wishes to re-join AGIP after their AGIP membership has been terminated by a decision under the Complaints Procedure or following a UKCP CPP decision. It will apply when:

- (a) not less than three years has elapsed since the termination; and

- (b) the former member submits a report to show what they have learned from the experience; and
- (c) the former member submits a report from a UKCP or BCP registered supervisor in favour of the re-admission to membership.
- (d) The reports must be submitted to the PECC at the AGIP office.
- (e) The PEC must decide on whether the former member is permitted to re-join and state its reasons in writing. The PEC may accept and consider any written observations received from members of the original Hearing and/or Appeal Panel and shared with the former member.
- (f) There is no appeal against the decision of the PEC.
- (g) A person seeking restoration of membership can only make one application for restoration in any 12-month period.

In the cases of Professional members who were previously UKCP registrants and who were removed from the UKCP register through the UKCP CPP process and subsequently had their membership of AGIP terminated: restoration to the register by UKCP will be taken into account by the PEC in reaching its decision in the above process but re-registration with UKCP will not automatically mean membership of AGIP will be re-instated. This is because the UKCP Code is generic and covers all modes of psychotherapy whereas AGIP is a psychoanalytical psychotherapy organisation and PEC has to be assured that the prospective member will practice ethically within this modality.

22. Recording of Hearing and Appeal Panels

The proceedings of Hearing and Appeal Panels are recorded (using audio if the Panel is meeting in-person and video if using the internet). Copies of the recordings, but not transcripts, will be made available to respondents upon request.

These procedures come into force for all Grievances and Complaints received by the PEC after . . . *
(* date to be inserted is the date when these procedures are approved by AGIP Council)

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