

# AGIP Complaints Procedure

## MAKING A COMPLAINT

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### About the Complaints Process

For members of AGIP who are also UKCP Registrants, all complaints from their patients must be addressed to UKCP: AGIP is unable to hear your complaint. Supervisees of AGIP members should use the AGIP Procedures.

The AGIP Complaints Process allows people to raise concerns about an AGIP Member who is not on the UKCP Register. Such members include: Honorary, Retired, Associate, Student, Trainee, Training members, and Professional members who have chosen not to be on the UKCP Register.

### What does the Complaints Process look at?

AGIP can consider behaviour that falls into the following categories under its Codes of Ethics and Professional Practice and Code of Practice for the Training:

- a) Misconduct
- b) Professional incompetence
- c) Conviction or caution for a criminal offence
- d) Physical or mental health
- e) A decision by another body, regulator or employer (e.g. the British Association for Psychotherapists and Counsellors or the NHS).

These categories are expanded and outlined in AGIP's Code of Ethics and Professional Practice and Code of Practice for the Training.

In assessing a complaint, the Professional Ethics Committee Co-ordinator (**PECC**) will review the allegations and assess if there is a potential breach of the Codes. In making this assessment the PECC will appoint a Screening Panel to assess the evidence and make a recommendation.

Complainants should bear in mind that there are sometimes differences of opinion and disagreements in the psychotherapy process. These do not necessarily mean that your psychotherapist is acting unethically and these differences are usually best dealt with within the psychotherapy sessions.

### **Who can make a complaint?**

Anyone can make a complaint against an AGIP Member who is not a UKCP Registrant (or a supervisee of an AGIP member) if:

- (a)** The Member is still a member at the time the complaint is lodged with AGIP; and
- (b)** Was a Member at the time the complained of behaviour occurred; and
- (c)** The therapy or practice or event which is the basis of the complaint was located in the UK, or if not, the current insurance provision is from the UK.

If the Member is no longer a Member at the time the complaint is lodged then AGIP cannot deal with the complaint. However, we can hold the complaint on file if the Member decides to approach AGIP to renew their membership.

If the Member was not a Member at the time the complained of behaviour occurred, but is when the complaint is received it may be possible for AGIP to consider the complaint if it is reasonable and in the public interest to do so.

If the Member resigns from AGIP after you lodge a complaint, the Complaints Procedure will still continue.

AGIP also reserves the right to notify and share information about the complaint with other organisations, including but not limited to the British Association for Counsellors and Psychotherapists and the British Psychoanalytic Council.

### **Confidentiality**

Our Members have a duty of confidentiality that exists even after a therapeutic relationship comes to an end. However, they are permitted to divulge confidential information to their Supervisor and their professional indemnity insurers about the therapy/ the person making the complaint and the allegations. The Member should only disclose information that is necessary and relevant to the issues raised in the complaint.

### **How do I make a complaint?**

We can only act on complaints made in writing. In order for us to investigate, you need to complete an AGIP complaints form which you can download from our website. If you have difficulty filling in the form, you may ask a friend, carer or a relative to complete it on your behalf. In completing the complaints form, you give AGIP your permission to disclose the complaint to the Member. You must provide us with the name of the Member you are complaining about. If this information is not provided we cannot consider your complaint.

Complaints should normally be made within three years of the conduct you want to complain about, or three years from when you became aware of it. If a complaint is received after this time period, the PECC will decide whether it would be reasonable and in the public interest to progress with the complaint. It is important to include as much information and evidence with your complaint (for example: emails, text messages) as possible.

If the complaint does not come under the scope of AGIP's Complaints Procedure, we will let you know in writing that we cannot progress your complaint and close the case. It is not our practice to notify Members of complaints which do not fall within the Complaints Procedure or where you do not give your consent to disclose your complaint.

### **When will the Member be informed about the complaint?**

We will only notify the Member if we receive a completed complaints form which identifies them, and if the PECC decides that it raises a potential breach of the AGIP Codes.

The Member will be invited to respond to the complaint usually within 21 days of receiving the complaint. If you are still in therapy with the Member, they will no longer be able to see you as a patient. We also ask that you both refrain from contact during the Complaints Procedure.

### **Can I make an anonymous complaint?**

On rare occasions, we receive anonymous complaints about Members. If we do, the PECC will assess whether the information received is independently verifiable or admitted by the Member. If it is, then the PECC or Screening Panel may decide to refer the matter before an Hearing Panel.

### **What happens if the Member is subject to other proceedings or complaints procedures elsewhere?**

If the Member is facing complaints or disciplinary proceedings by another organisation, regulator or employer, or is subject to legal action, the PECC may suspend consideration of a complaint under our Complaints Procedure until those other proceedings have been completed.

When deciding whether to put our Complaints Procedure on hold, the PECC will weigh your interests with those of the Member and the wider public before making a decision. This decision will be under review and you will be provided with reasonable notice before the complaint is considered or resumed.

Where a complaint has been considered and not upheld by another body, the PECC may decide not to consider a complaint under our Complaints Procedure if it is based substantially on the same behaviour and evidence that has already been investigated elsewhere.

If the Member is subject to other procedures, the PECC may refer you to their relevant employer, organisation, or regulator. For example, a Member may have provided psychotherapy to you in an NHS setting, in which case the complaint may be dealt with more appropriately by the NHS. AGIP would then consider the findings of the NHS to determine whether we need to take any further action.

### **How does AGIP decide whether to refer a matter to a Hearing Panel?**

#### **The 'realistic prospect' test**

The 'realistic prospect' test involves the consideration of two issues.

- 1) Is there a realistic prospect of being able to prove the allegations against the Member, and;
- 2) If so, are they so significant to indicate that the Member's suitability to practice is, or may be impaired to a degree that justifies action being taken on their AGIP membership.

When we receive a complaint and the Member has been invited to respond to it, the PECC with the assistance of the Screening Panel will carry out a screening process. This involves assessing your complaint, the response of the Member, and any evidence that either party has put forward. If the realistic prospect test is met, the matter will usually be referred to a Hearing Panel. However, if the complained behaviour is such that the Member has fully acknowledged, addressed it and undertakes not to repeat it, the PECC may discontinue the Complaints Procedure. If the behaviour is repeated in the future, the PECC may re- start the Complaints Procedure.

If the realistic prospect test has not been met, you have the opportunity to re-submit the complaint once more with any additional evidence that you feel may satisfy the realistic prospect test. For example, you may have emails and text messages which are likely to prove that the behaviour you're complaining of occurred.

Where the realistic prospect test has been met and the matter has been referred to a Hearing Panel, you and the Member will be notified in writing. The decision to refer to a Hearing Panel does not indicate a final decision of guilt or wrong-doing. Rather it has been decided that the matter needs to be adjudicated upon by an independent panel. There is no appeal against a decision made from the screening process.

### **What happens at a Hearing Panel hearing?**

The Hearing Panel will decide on the following matters:

- a)** If the alleged behaviour(s) as set out by you have been proven or admitted;
- b)** Whether the proven or admitted behaviour(s) breach AGIP's Codes;
- c)** Whether those breach(es) are such that the Member is unsuitable to be a Member of AGIP without any restrictions or conditions; and
- d)** Which sanctions (if any) should be applied.

We will try to make sure that the hearing is held on a date that is convenient for you. Our hearings are held at the AGIP HQ at Archway in north London and generally last one day. You will be informed of the date of the hearing at least six weeks before it is scheduled. AGIP hearings are normally held in private.

### **Giving evidence**

Unless the Member accepts what you have set out in your complaint, it is likely that you will be asked to attend the Hearing Panel hearing to give evidence. We understand that the idea of giving evidence against a Member may be intimidating or uncomfortable for you, however, it is important that you are able to provide your account to the Hearing Panel in order for them to reach a decision which is fair and just.

If you are concerned about attending the hearing please get in touch with the PECC who will try and help you give your evidence with minimal discomfort.

The Hearing Panel may permit evidence to be provided with the use of a screen, pre-recorded evidence or video links. If you fail to attend the Hearing Panel without good reason or adequate notice, the Panel may hear the complaint in your absence and may not be able to give sufficient weight to your evidence as you cannot be questioned. The same applies to the Member about whom you are complaining.

The Hearing Panel comprises of three panel members: a lay Chair; normally one senior AGIP psychotherapist; and another senior psychotherapist from a member organisation of either the College of Psychoanalysis and Jungian Analysis or the British Psychoanalytic Council. The Hearing Panel may be supported by a legally qualified person to assist the Hearing Panel with any procedural or legal matters and to ensure that the hearing is run smoothly although this is not always the case. You can bring a friend to the hearing for support.

### **Some tips on giving evidence:**

- Speak clearly and slowly to ensure that everyone can hear you
- Try to answer the question that you have been asked
- Ask for clarification if there is anything that you do not understand. The amount of time you will be questioned will depend on how complicated the matter is
- The questions can sometimes be difficult and if you need a break at any time, please notify the Chair to take some time out from the hearing.

We will always try to ensure that hearings run to schedule. However, on some occasions there may be delays which cannot be avoided. In these instances we will organise a new hearing on the earliest possible date that is convenient for everyone involved.

The Hearing Panel will ask everyone, except the Legal Assessor if there is one, to leave the hearing room when they are in the process of making a decision. They will then ask the parties to attend and announce the decision.

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### **Equality and diversity statement**

AGIP is committed to promoting equality, inclusion and diversity, and works to ensure that its processes are fair, transparent, objective and free from discrimination. AGIP expects that everyone who is acting for the AGIP uphold these values.

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