

Policy for managing complaints by patients who are in therapy with a Trainee member of British Psychotherapy Foundation (bpf) - AGREED BY THE BPF BOARD, 8th NOVEMBER 2018

Contents:

- Introductory Comments
- Pre-Complaint Stage
- Complaints Procedure – Stage 1
- Complaints Procedure – Stage 2
- Complaints Procedure – Stage 3
- Annex 1
- Annex 2

Introductory Comments

This policy relates to patients who are in treatment with **bpf** psychotherapists who are in training and who are supervised by a **bpf** approved supervisor. It aims to assist patients in the event of a complaint arising during the course of their therapy/ analysis. The objective is that it should be proportionate process which protects patients in the public interest but is also fair to the trainee member. For the purposes of this policy such a patient will be refer to abide by the Code of Ethics of the British Psychotherapy Council (BPC) the **bpf's** regulatory body, a copy of which is available on the BPC website, along with other policies that govern the practice of its registrants.

The **bpf** takes any complaints very seriously and seeks to find an appropriate resolution as quickly as possible, in an open and transparent way. The **bpf** Principles for managing complaints are attached in Annex 1.

Patient and the therapist will be informed of any action at each stage. The patient's permission will be sought if it becomes necessary to share data beyond the confidential management of such data by **bpf**.

As therapists in training are not BPC registrants, ethical matters are dealt with by **bpf**. If a **bpf** therapist in training is a registrant of another BPC member organisation the BPC must be informed. This procedure only refers to patients for whom **bpf** has clinical responsibility and does not refer to patients the therapist may be seeing in any other clinical setting, which are the responsibility of that institution.

A complaint may be made by a patient during therapy, or within five years after the termination of therapy. This is the same timescale as BPC Policy for Complaints against registered members, which states that 'the BPC will not normally deal with complaints made more than 5 years after the events giving rise to them. Exceptions will be made, where in the judgement of the **bpf** Chair of Ethics, the allegation is sufficiently serious, or where it would be in the public interest to consider a complaint. Should the complaint be made after the trainee has qualified, and is a registrant of BPC, it will be dealt with **bpf** on the grounds that the alleged events happened when they were a trainee. Should any issues arise that are of concern for the longer-term ethical practice of the registrant, these will be discussed further with BPC at this point.

Pre-Complaint Stage

If difficulties arise in the relationship between the patient and the therapist, it is very likely that this will be known about through the supervision process, with the possible involvement of the Training Advisor and other members of the Training Committee. It is hoped that difficulties will be resolved satisfactorily at this stage, under the Trainees in Difficulties Policy. However, if the patient is not satisfied that resolution has been reached at this stage, they may move on to the complaint procedure outlined below.

The Training Committee will consider and arrange any support required by the patient and the therapist throughout this process.

Complaints Procedure - Stage 1

A patient wishing to make a complaint can contact either the Low Fee Scheme organiser (LFC) who may have originally organised the patient's referral to the therapist or the Clinical Services Coordinator (CSC) who holds clinical responsibility for the patient on behalf of **bpf**. LFC will inform CSC within 24 hours that the patient wishes to make a complaint. If at this or any other stage, CSC is unavailable, the CEO, will be informed who will initiate any action on behalf of CSC.

CSC will send the patient a copy of this Complaints Procedure and will ask for the complaint to be put in writing and sent by letter or email to CSC at **bpf**.

This should contain the patient's name, postal address for correspondence, and the substance of the complaint with as much detail as possible. Any documentary evidence should be attached.

If the patient does not wish to put their complaint in writing, they should notify CSC to this effect outlining the reasons for this. The CSC will then consult with Chair of Ethics to decide if an exception can be made.

Within 2 weeks of receipt of the patient's letter, CSC will discuss the matter with the patient (by phone or in person) to advise and encourage them to discuss this matter with their therapist in the first instance. If this already has been done, or if it is not possible, then CSC will discuss the situation with the patient to see if any resolution can be found at this stage. This discussion will take place within 2 weeks of receipt of the patient's letter.

If no further resolution can be found at this stage, CSC will

- Inform the Chair of the relevant Training Committee who will keep the therapist informed of what is happening
- Inform the Chair of Ethics Committee and send them the documentation

Complaints Procedure - Stage 2

The Chair of Ethics will consider whether the complaint is a breach of BPC Code of Ethics. If not but is an issue relating to competency of the therapist, the matter will be referred back to the Chair of Training.

If a breach of the BPC Code of Ethics appears to have occurred, the patient will be asked for written permission for copies of the letter of complaint and supporting documents to be forwarded to the therapist. If this permission is refused the case will be halted, and CSC will inform the patient.

If the complaint proceeds, the therapist will be asked to respond to the complaint in writing. The relevant Training Committee will also be asked for a report.

Chair of Ethics will establish a panel of 3 members of the Ethics Committee, to investigate the complaint. These members will have had no contact with the Trainee or any other party. This panel will notify the patient within 5 working days what is happening. It must be noted that all documentation that could identify the patient will be subject to GDPR.

This panel will appoint one of its membership to consider the documents and meet with the patient, the therapist and any other relevant parties, in order to understand from an independent perspective, the circumstances which lead to the complaint.

As soon as possible, this panel member will prepare a report to be considered by the panel which will contain either a recommendation or suggest further investigation.

This report will be passed to the Chair of Ethics Committee.

It is difficult to give a timescale for this, but good practice indicates that it should be done as quickly as possible and that all parties should be kept informed throughout.

The Ethics Committee (excluding the investigation panel members) will then convene, plus CEO and a senior **bpf** member who has not in any way been involved with the process.

The Ethics Committee may ask the patient and/ or the therapist to attend, separately or together. It may also call other witnesses or receive signed evidence in writing. Both patient and the therapist will have the right to be accompanied by a supporter.

This committee will consider the allegations and the report of the Investigating Panel. It will decide whether the complaint is upheld or not.

If the complaint is upheld the panel will decide on the sanction which may include

1. Informal warning
2. Formal written warning
3. Further supervision
4. Extension of Training
5. Suspension from Training
6. Expulsion from Training

The committee will specify the duration for which any sanction will remain in force.

Should Sanctions 5 or 6 be considered then Legal advice should be sought before progressing further.

The Ethics Committee will then communicate the decision to patient and therapist in writing taking into account any confidentiality that must be respected. The Training Committee and CSC will be informed.

Should the patient or therapist be dissatisfied with the decision they should inform the Chair of Ethics in writing within 10 working days, giving their reasons for this.

The CEO will be informed and Legal Advice taken

The possible resignation of the therapist will not lead to the process being terminated as it is important that a response is made to the patient and that the investigation is completed.

Complaints Procedure - Stage 3

The grounds for an Appeal are a procedural irregularity has occurred, or an error of fact in the case.

An appeal against the decision of the Ethics Committee can be made by either patient or therapist. It must be sent in writing to the Chair of **bpf** and received in **bpf** Office within 3 weeks of the notification of the decision of the Ethics Committee being sent.

This could be an appeal against the decision, or the sanctions imposed.

From this point the Appeal process will be managed by CEO

The **bpf** Board will appoint an Appeal Panel of 3 members, 2 senior **bpf** Members and an external lay person, none of which have been involved in or know anything about the earlier process.

The purpose of the panel is to consider all procedures and documentations on which the decision of the Ethics Committee was based and hear the views of the appellant and the Ethics Committee and decide whether the appeal should be dismissed or upheld.

The appellant may be accompanied a supporter at any meetings during the appeal process.

The Appeal Panel shall consist of four sections, see Annex 2

The Appeal Panel will report back to **bpf** Board with their recommendation to overturn or uphold the Ethics Committee decision. The report should reach the Chair of the Board at least 10 days before the Board meeting at which it will be considered.

The Board will decide whether to uphold or overturn the Ethics Committee hearing based on the recommendations of the Appeal Panel

The Chair of **bpf** Council will write to the appellant informing them of the final decision of the Board.

Annex 1

- It is the intention of **bpf** to seek resolution through mediation wherever possible and to deal with complaints as speedily and sensitively as possible
- Patient and Therapist will be informed of the progress of the management of the complaint at each stage of the process.
- Both patient and therapist will be given an opportunity to be heard at each stage of the process.
- Both patient and therapist may be accompanied by a supporter at any stage of the process.
- Patient and. Therapist, will be given reasons for any decisions at each stage of the process.
- A record will be kept of all contacts (including telephone and email) so that a comprehensive report is maintained.

- The **bpf** wants to learn from the experience of any complaints, and to reconsider and adjust its practices and procedures as necessary.

Annex 2

Appeals Hearing

- The Appeals Panel members meet to discuss the documents from the and identify any further questions they wish to ask the appellant or the Chair of the Ethics Committee.
- The Appeals Panel meets with the appellant to hear from them directly from them about their grounds for making the appeal, and may ask for clarification. The appellant may bring a colleague or supporter who may contribute if requested by the Chair of the Appeals Panel.
- The Appeals Panel members meet and to discuss both the documentary evidence and what they have heard from the appellant They decide whether they will uphold or dismiss the Appeal, and/or change the sanctions imposed. The Appeals Panel Report will then be submitted to the **bpf** Board and Chair of Ethics.
- The decision of the Board will be passed to Chair of Ethics Committee. The patient and/or their representative will be invited to be told directly about the decision.