

## **Frequently asked questions – General information regarding complaints**

### **1. What is a registrant?**

This is what we call the practising therapists who have chosen us to be their professional body and who have met the relevant requirements for registration. By registering with us, they have agreed to practise to our standards, follow our rules and be subject to our complaints processes. They are entered onto the Society's Accredited Register which is approved by the Professional Standards Authority.

All registrants are members of the Society. There are other members who are not registrants, for example, student members, Associates & Companions and the Complaints Procedure is not intended to include these members.

### **2. What is the Ethics Officer and what powers do they have?**

The Ethics Officer has the power to investigate complaints or concerns about a registrant. The Ethics Officer decides whether or not a complaint falls within the Society's remit and if so, whether it should be referred initially to an Assessment Panel. The Assessment Panel can consider the complaint and decide if:

- is a fitness to practise or public safety issue;
- Non-fitness to practise issue or
- no case to answer or no prospect of success

If the registrant does not comply with the sanctions, the Ethics Officer will refer the case to the Independent Complaints Panel for a decision on how to proceed. The Panel may then suspend or remove the member.

The Ethics Officer can also make a decision about the interim suspension of a registrant or member, subject to ratification by the Assessment Panel.

### **3. How much control will I have over what happens to my complaint?**

Your complaint may result in disciplinary proceedings but the proceedings are taken by us, the Society, and are not taken on your behalf. Therefore, all decisions about what charges to bring against the registrant, and what evidence to present to the IP, are taken by the Society and you do not have a right to object to the charges or the evidence. You will, however, be given an opportunity to comment on the charges and the evidence before the hearing. In the interests of fairness, we disclose all evidence to the registrant or member unless there are strong grounds not to (e.g. duplication or breach of third party confidentiality).

You may also be asked to be a witness at the proceedings, and if this happens we will give you adequate notice (usually at least 28 days). The IP will decide whether the registrant has breached the Code of Ethics and if so, what if any, sanction to impose.

#### **4. What can you do about my complaint?**

We can investigate your complaint and make decisions, through the right processes, about what is an appropriate way forward. In some cases, we can help facilitate mediation or other approaches to resolve your complaint or advise how you can achieve a settlement with the registrant, if this is appropriate. A complaints panel can impose sanctions on the registrant up to and including removal from the register.

We cannot stop the registrant from practising therapy by law.

#### **5. Are there any complaints which you will not normally investigate?**

Every enquiry is treated on a case by case basis, however in accordance with our complaint procedures, there are some types of complaints that we would not usually be able to consider. These include complaints about a practitioner's private life which do not directly relate or are not associated with the client/practitioner therapeutic relationship.

Further information is detailed in the complaint procedure document, available to download from the Society website.

If you are unsure as to whether your complaint would be within our remit, please contact the Ethics Officer for further assistance. [ethics@nationalcounsellingsociety.org](mailto:ethics@nationalcounsellingsociety.org)

#### **What types of complaints will you usually investigate?**

We can initially consider client or 3<sup>rd</sup> party complaints about registrants or former registrants who were members of the Society at the time an allegation took place (if the complaint is brought within a 3-year period).

Every registrant practitioner has made a commitment to abide by the Society Code of Ethics, so your complaint would be assessed in line with this. The COE is available to view on the Society website.

If your complaint relates to a professional therapeutic service (counselling and associated adjunctive therapies), is brought within the applicable timeframe and is considered by the Ethics Officer to be a potential breach of the ethical framework, then the Society will proceed with your complaint.

## **Notes on Adjunctive Therapies**

We will accept complaints about a Registrant offering adjunctive therapies in cases where any element of the therapy offered was an element for which we register the person i.e. provided that there was a counselling or psychotherapy element within the context of the complaint. If you saw them for solely the adjunctive therapy with no counselling involved, unfortunately we cannot hear the complaint. If you have received counselling or any other activity that we Register as part of the service offered by the Registrant, but it is subsequently discovered that the complaint rests solely with the execution of the adjunctive therapy then we would not hear that complaint, for example an issue relating to the quality of oils used, or massage technique used, or any activity that solely pertains to the adjunctive therapy. If the complaint is not relevant to the counselling element of the relationship, we are unable to hear it, unless the complaint otherwise would bring the profession into disrepute under relevant section of the Code of Ethics.

### **6. Can you grant me compensation?**

No. We have no powers to order compensation or issue any financial award

### **7. Why have you adjourned your investigation of my complaint?**

If your complaint is adjourned, it is put on "hold" to wait for the outcome of issues related to the complaint which need to be resolved before we can continue with our consideration of a complaint. We consider the following factors when deciding whether a complaint should be adjourned:

- Are there any ongoing proceedings which relate to similar allegations?; and/or
- Is there is a risk that our investigation of the complaint would interfere with, prejudice or undermine ongoing proceedings or their outcome?

### **8. I am a registrant. Will you always inform me that a complaint has been made against me?**

We will not always inform you of a complaint and, sometimes, if we receive a complaint from somebody who is not your client, you may first learn about the complaint when you receive a letter from us saying that the complaint has been dismissed.

### **9. I am a registrant who is the subject of a complaint, what can I do if I don't agree with the decision that has been made about the complaint made against me?**

Our Complaints process is described on our website and you will be sent a document about the process.

The initial decision of the Ethics Officer as to whether the complaint falls within our remit cannot be appealed.

If the complaint falls within our remit, the Assessment Panel will decide whether to refer it back to the Ethics Officer or refer it to the IP. The Assessment Panel's decision can be appealed.

However, if any new evidence comes to light or for any other good reason, decisions of the Ethics Officer and the Assessment Panel can be reviewed.

IP decisions can be appealed. Appeals will be considered by an appeal committee composed of an independent lay member and two registrant members. This will be a paper process where the appeal committee consider all the papers from the IP proceedings and any written comments that you or the complainant provide to decide whether the appeal is upheld or not. The registrant can, however, request an oral hearing.

A notice of appeal must be lodged within 28 days of the sanction being imposed i.e. within 28 days of the date of the letter informing you of the sanction.

Our entire process and the decisions we make are subject to a yearly audit by the Society's Independent Assessor, who will write a report and make it available to the Professional Standards Authority.

#### **10. I am a registrant. Will you give me advance notice of the case against me?**

We will send you details of the charges against you in good time and we will send you all the evidence against you in good time too. The complainant will usually be sent the bundle at the same time.

You may send us a defence bundle which will contain any witness statements and documentation you wish to rely on. It will be your responsibility to index and prepare sufficient copies of the bundle. You must inform the Ethics Officer in advance of the hearing if you are to be accompanied or represented.

Where the IP decides that an oral hearing is necessary, it will set a time estimate for that hearing and yours and the complainant's availability will be obtained. You must communicate your availability within the relevant timeframe outlined to you by the Ethics Officer so that the Panel hearing can be facilitated. You will be given at least 28 days' notice of the hearing date, unless the proceedings are considered to be urgent, in which case 7 days' notice will be given.