

# **Complaints Procedure for the Irish Forum for Psychoanalytic Psychotherapy**

## **2016**

### **1. Introduction**

The purpose of this document is to provide a means of examining and, where possible, resolving a complaint against a current member of the Irish Forum for Psychoanalytic Psychotherapy (IFPP).

Throughout this document, the term IFPP shall mean the Irish Forum for Psychoanalytic Psychotherapy, and the term ICP shall mean the Irish Council for Psychotherapy. The term Complainant shall mean the person who makes the complaint, and the term Member shall mean the IFPP member against whom the complaint is made. Member further refers to Full and Associate Members.

The term Code of Conduct, unless otherwise specified, shall mean the Code of Conduct of the IFPP. The IFPP Code of Conduct is compatible with that of the Psychoanalytic Section of the ICP. The term Ethics Committee, unless otherwise specified, shall mean the Ethics Committee of the IFPP. The term Complaints Committee, unless otherwise specified, shall mean the Complaints Committee of the IFPP.

It is to be understood that the Member is expected to cooperate fully with the complaints process once initiated.

### **2. Aims**

The following are the aims of this procedure:-

1. To protect the standards of the practice of psychoanalytic psychotherapy within the IFPP;
2. To provide a structure for examining a complaint against a Member in order to determine whether a breach of the IFPP's Code of Conduct has occurred;
3. To resolve where possible, such a complaint against a Member, without need for referral to the Psychoanalytic Section of the ICP;
4. Where resolution within the IFPP is not possible, to refer the matter to the Psychoanalytic Section of the ICP in as timely a manner as possible; and
5. To respect the fundamental rights of all parties involved. Within the limits of the process, the IFPP's Complaints Committee and Ethics Committee shall endeavor to respect and balance the following rights:

- a. The right to information regarding the complaints procedure;
- b. The right to confidentiality within the limits of the process;
- c. The right of both Complainant and Member to have a support person present; and
- d. The right to fairness and the principles of natural justice.

### **3. Complaints Procedures**

Only complaints made within two years of the alleged breach of the Code of Conduct will be considered. There are two exceptions to this two year limit:

- (i) where the Complainant was under 18 years of age at the time of the alleged breach
- (ii) in a case of alleged sexual misconduct. In such cases, complaints made after more than two years have elapsed will be considered.

#### **3.1 IFPP Complaints Committee**

The Complaints Committee of the IFPP convened on an ad-hoc basis shall consist of three accredited ICP Psychoanalytic Section members (at least one of whom shall be an IFPP member) and an Extern appointed by the IFPP Executive Committee. Each Committee member shall have a minimum of five years accredited membership and will be appointed for the duration of a complaint with an option to sit on subsequent Complaints Committees as needed. The Extern should have experience in mediation or any relevant field. The IFFP Ethics Committee shall be available for consultation on any ethical and/or protocol or procedural issues that may arise during the consideration of a complaint.

#### **3.2 Making a Complaint**

A Complainant initially contacts the Chairperson of the IFPP. Once a letter of complaint is received, the Chairperson of the IFPP will convene the Executive of the IFPP to determine whether the alleged behavior might constitute a breach of the Code of Conduct. Identifying information should not be revealed at this time in order that the substance of the complaint may be heard in an unbiased manner. The Executive Committee will then determine whether this alleged breach should be dealt with by the IFPP according to its Complaints Procedure and Code of Conduct, or whether the breach is sufficiently serious to be referred to the Psychoanalytic Section of the ICP Ethics Committee. Examples of serious breaches are breach of confidentiality or sexual misconduct. If necessary, the Executive Committee will consult with the Ethics Committee in making this determination. A complaint may also be referred directly to the Psychoanalytic Section of the ICP if a boundary issue arises that could affect the impartiality of the IFPP (for example, if the Member has a close connection with one or more members of the Executive and / or Complaints Committee).

Only a written and signed complaint shall be entertained. Anonymous written complaints shall be destroyed after the Member has been informed and offered sight of the document.

If a complaint is received against a current accredited Member, and if the complaint alleges unethical conduct at a time when the named individual was *not* a Member of the IFPP, then the Executive Committee, in consultation with the IFPP's Ethics Committee, may allow the complaint to go forward, if in their absolute discretion they consider the complaint to be such that it brings into question the Member's suitability to remain an accredited Member of the IFPP. In such a case, it is likely that the matter would be referred directly to the Psychoanalytic Section of the ICP.

If the complaint is referred to the Psychoanalytic Section of the ICP, it will then be dealt with according to the Complaints Procedure for the Psychoanalytic Section of the Irish Council of Psychotherapy 2008.

If, however, the IFPP Executive Committee decides that the complaint does not constitute a possible breach of the Code of Conduct and cannot therefore be considered, the Complainant and the Member will be informed of this decision and the basis for it by the IFPP Chair. The Complainant shall not be entitled to re-submit the complaint arising from the same events, even as part of an additional complaint arising from other events. If a decision is taken not to consider the complaint, the initial letter of complaint will be destroyed.

If the IFPP Executive Committee deems that the breach which may have occurred comes within the remit of the IFPP Complaints Procedure, a nominated member of the Executive will meet with the Complainant to outline the options available to them within the complaints process.

If the Complainant decides to pursue the matter, the nominated person will provide the Complaints document and answer any procedural questions the Complainant may have. The nominated person will point out that this process requires that the Member be made aware of the complaint before the procedure can be initiated. A Complaints Committee will be convened to examine the matter as follows.

### **3.3 IFPP Complaints Procedure**

The Complaints Procedure entails two separate and distinct processes, each of which is outlined below.

**Process A is a conciliatory process where a facilitated space is offered to the parties to attempt to resolve the difficulty. No findings or reprimand/ disciplinary action can arise from this process.**

1. The Complainant is advised to contact the Chair of the IFPP in writing.
2. The Chair will convene the Executive Committee to discuss the anonymized complaint in relation to the IFPP Code of Conduct to determine whether a breach may have occurred.

3. The Chair or nominated person from the Executive will meet with the Complainant within 21 days to explain the options available within the Complaints process and answer any procedural questions.
4. The Complainant indicates a preference for the conciliatory facilitated process.
5. A Complaints Committee convenes, nominates a Chair and two members (one Extern and a second member other than the Chair) to deal directly with the complaint.
6. These two members – facilitators will meet with the complainant to hear their concerns. Minutes/ notes will be taken to support the process and will be destroyed afterwards.
7. The same facilitators will make the Member aware of the issues raised. Notes/minutes as above.
8. The facilitators will liaise between the parties in an effort to foster a resolution to the complaint.
9. If both parties are agreeable, the facilitators may facilitate a joint meeting which will be minuted. [See note (iv) below]
10. The Chair of the Complaints Committee will communicate the outcome of the process the Chair of the IFPP in writing.

At any stage either party may seek to withdraw from the process or formalise the complaint.

Notes:

- (i) All documents should be sent via registered post addressed to the Chair, IFPP Executive Committee, c/o Irish Forum for Psychoanalytic Psychotherapy, 39 Lower Leeson Street Dublin 2 marked confidential.
- (ii) Both parties are entitled to be accompanied to meetings by a support person. At this stage, neither party can ask a Solicitor to accompany them. If either party wishes, a support person may be nominated by the Complaints Committee. A support person nominated by this Committee for either party must be a fully accredited member of the Psychoanalytic Section of the ICP.
- (iii) The complaints process will be suspended if either party initiates legal proceedings.
- (iv) At any joint meeting, the Complainant outlines the complaint, and the Member responds. The nominated members of the Complaints Committee will facilitate the discussion. The meeting will be minuted, such minutes are intended to support the process and will be destroyed afterwards.

- (v) If the Member refuses to cooperate fully in the Complaints procedure, the Complaints Committee will inform the Chair of the IFPP Executive in writing.
- (vi) If a conciliatory outcome is not reached, the Complainant will be informed by the Chairperson of the Complaints Committee either that they may initiate Process B or that no further action can be taken.
- (vii) The outcome of the Process will be recorded by the Chairperson of the Complaints Committee and communicated to the IFPP Executive.

**Process B is a more structured process to examine the complaint, reach a finding and, if appropriate, make recommendations in relation to sanctions.**

Steps 1 – 3 are as above

- 4. The Complainant indicates that they wish to have their complaint examined formally.
- 5. A Complaints Committee convenes, nominates a Chair and two members (one Extern and a second member other than the Chair) to deal directly with the complaint.
- 6. The Chairperson of the Complaints Committee shall send to the Complainant the following documents:
  - A. A copy of the IFPP's Code of Conduct
  - B. A copy of the IFPP's Complaints Procedure
  - C. Complaint Declaration Form

The Complaint Form (see Appendix 1) is to be completed and returned within 6 weeks, together with the following information:

- a. A note of any verbal communication made to the Member about the matter now under investigation
- b. A copy of any written material sent to the Member about the matter.
- c. A copy of any written material received from the Member about the matter.
- 7. The two members of the Complaints Committee nominated will meet with the Complainant (within 28 days) to seek any clarification and to hear their complaint directly.
- 8. The complaint is made available to the Member who is asked to respond in writing within 6 weeks.
- 9. The same two members of the Complaints Committee will meet with the Member (within 28 days) to seek clarification and hear their reply.

10. The full Complaints Committee will then meet (within 21 days) to review the full information, make a finding and, if appropriate, recommendations. See note (xii) below.

11. The Chairs of both the Complaints Committee and IFPP Executive will meet in order to discuss and come to a decision regarding the outcome of the process.

- (a) The recommendations of the Complaints Committee may be agreed
- (b) A decision may be reached by both Chairs that no further action can be taken.
- (c) The matter may be referred to the Psychoanalytic Section of the ICP to be investigated further, according to the Section's current Complaints Procedure and Code of Conduct.

12. The outcome is communicated to all parties in writing within 14 days.

Notes:

- (viii) As in Process A, all documents should be sent via registered post addressed to the Chair, IFPP Executive Committee, c/o Irish Forum for Psychoanalytic Psychotherapy, 39 Lower Leeson Street Dublin 2, marked confidential.
- (ix) If the Complainant does not return the Complaint Declaration Form and supporting documentation, if relevant, within two months then the Chair of the Complaints Committee will contact the Complainant to ascertain whether s/he wishes to pursue the complaint. If s/he does not, then the Complainant will be informed in writing, that the initial letter of complaint will be destroyed. The Member will be informed of this outcome.
- (x) If the Complainant has submitted the relevant form and information and wishes to proceed, both Complainant and Member will be advised of their right to be accompanied to meetings by a support person. At this stage, neither party can ask a solicitor to accompany them. If either party wishes, a support person may be nominated by the Complaints Committee. A support person nominated by this Committee for either party must be a fully accredited member of the Psychoanalytic Section of the ICP.
- (xi) As in Process A, the complaints process will be suspended if either party initiates legal proceedings.
- (xii) In the event of a complaint being upheld, it is within the remit of the Complaints Committee to make practice recommendations or suggest minor sanctions with reference to the IFPP Code of Conduct. The following sanctions may be considered:
  1. Admonishment;

2. Further supervision (with a different supervisor to the member's current one if s/he already has a supervisor) for a specified period in order to address the issues raised;
  3. Personal psychotherapy; and
  4. Further recommendations that may be appropriate to the specific complaint.
- (xiii) If the Member refuses to cooperate fully in the Complaints Procedure, the Complaints Committee will inform the Chair of the IFPP Executive in writing.

### **3.5 Records**

A record of the proceedings of the meeting is taken either by audio tape or by written notation. If no sanctions against the Member are decided upon, these records are destroyed upon completion of the proceedings; including the time allowed for any potential appeal. In the event of sanctions being decided upon against the Member, the records are sealed and given to the Administrative Secretary of the IFPP, who places them in the hands of the IFPP solicitor, who is to store them for seven years. Duplicate copies shall be destroyed. If, however, the matter is to be referred to the Psychoanalytic Section of the ICP, the records are placed in an agreed secure place to comply with data protection legislation by the Administrative Secretary of the IFPP. The records from the Complaints Committee meeting may not be forwarded to the Psychoanalytic Section's Complaints Committee without the written consent of both Complainant and Member. Only the Chairperson of the Section's Ethics Committee may access available records, except in the absence of this person, the Secretary of the Section Committee should have access.

### **3.6 Appeals Procedure**

An appeal against the findings of the Complaints Committee must be lodged with the Chair of the IFPP within 21 days after conclusion of the matter. An Appeal will only be considered if there are objections to the Complaints process, or if new information comes to light. An Appeals Boards shall consist of two people: an accredited member of the Psychoanalytic Section and an Extern. Appeals Board shall have full freedom to examine all available records and to clarify any issues that may arise with either party to the complaint. All proceedings of the Appeals Board should be minuted.

An Appeals Board can uphold, reverse or modify the decision of the Complaints Committee.

The decision of the Appeals Board is final.

**At all stages confidentiality is to be strictly observed.**

## **Appendix 1- Complaint Form**

### **Appendix 1**

#### **COMPLAINT FORM**

##### **NOTES**

*Any person wishing to make a complaint with regard to breach of the Code of Conduct against a member of the Irish Forum for Psychoanalytic Psychotherapy must fill out this form and sign it. This form should be returned within one month of receipt by registered post. Please mark the envelope 'Confidential'*

This form should be forwarded to:

The Chairperson  
Irish Forum for Psychoanalytic Psychotherapy  
39 Lower Leeson Street Dublin 2

In order for us to consider your complaint, we require a certain level of initial information, which we are asking you to provide using this form. In the space below, please give details of the complaint you wish to make.

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#### **SECTION 1: YOUR DETAILS**

**1.1** Name:

**1.2** Postal Address:

**1.3** Contact Telephone No.:

**1.4** Email Address:

**1.5** Preferred Mode(s) of Contact:

**Email:**  **Telephone:**

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**Appendix 1- Complaint Form**

**SECTION 2: DETAILS OF COMPLAINT:-**

**2.1** Name of Psychoanalytic Psychotherapist (Member of IFPP):-

**2.2** Contact Address of the Member named above:-

**2.3** Section(s) of the Code of Conduct of the IFPP concerned in the alleged breach:-

**2.4** Please give an account of the nature of your complaint and an indication of when this took place:-

Appendix 1- Complaint Form

**SECTION 3: RELEVANT ADDITIONAL INFORMATION**

**3.1** Is this matter currently under investigation by any other body?

Yes       No

If Yes, please give details in the box below:-

**3.2** Has this matter or any related matter been investigated by any other body?

Yes:       No:

If Yes, please give details below:-

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_



