**The IFPP COMPLAINTS PROCEDURE 2023 VERSION**

The members of the Irish Forum for Psychoanalytic Psychotherapy (IFPP) work with vulnerable adults in private practice and in organisational settings. We are committed to the provision of high-quality services to clients and others with whom we work and to promoting psychoanalysis in a professional and positive light for members of the public. In order to do so, we require high ethical standards of conduct and professionalism from our members and from other persons engaged in or representing the work of the IFPP.

The purpose of these procedures is to provide for the processing of complaints regarding an infringement of the Code of Ethics and Practice on the part of an IFPP Accredited Member.

Wherever possible or appropriate, if you have a complaint, you are encouraged to approach the Psychotherapist directly to discuss and attempt to resolve the complaint. In cases where a resolution is not forthcoming following personal contact, or personal contact is not feasible or is inappropriate, the Complainant can make a formal complaint.

Nothing in this Procedure shall prevent the IFPP from investigating an act or omission of an IFPP Member where no complaint has been received by IFPP in relation to that practitioner and the procedure followed will be similar to that set out below.

Nothing in this procedure shall prevent the IFPP from proceeding with a complaint made in accordance with this procedure and which is subsequently withdrawn, when IFPP considers it to be in the public interest or in the best interests of the IFPP to do so.

Either party to a complaint may seek independent legal advice or legal consultation at any stage of the IFPP Complaints Process. However, if legal proceedings\* are initiated by either party, the IFPP Complaints Procedure may pause the processing of a complaint at the discretion of the Executive.

\*legal proceedings - any proceedings before a court, tribunal or other body, the Personal Injuries Assessment Board or an arbitrator appointed under the Arbitration Act 2010 or in connection with an arbitration, mediation or conciliation.

**The IFPP can investigate complaints regarding:**

A therapeutic service provided by an IFPP Accredited Member where the Complainant deems there has been a breach of the IFPP Code of Ethics and Practice. For the purposes of the Complaints Procedure it is assumed that a contract is in place from the time of the agreement to engage in therapy.

The Code of Ethics and Practice can be found by visiting the following link https://ifpp.ie/code-of-ethics/

**The IFPP cannot:**

* investigate complaints regarding individuals who were not IFPP members at the time of the event regarding the complaint;
* investigate complaints which have already been dealt with by the IFPP whether discontinued or not by the Complainant;
* make a psychotherapist apologise to the Complainant;
* provide a detailed explanation of what happened to the complainant. This can only come from the psychotherapist;
* provide the complainant/member with financial compensation or aid in seeking a financial compensation claim;
* provide the complainant/member with legal or professional advice or representation.

**The IFPP can accept complaints from:**

* A patient attending for psychotherapy
* Members of the IFPP
* A parent or guardian representing a child under eighteen
* A representative for an adult who lacks physical or mental capacity

Please note thatif you are making a complaint on behalf of someone else, we may need their consent to consider the complaint.

**Time limitations for making a complaint:**

The IFPP Complaint Form should be completed and signed. Anonymous complaints will not be considered. Only complaints made within **three years of the event(s)** complained of will be considered. This may be subject to exceptions in the following circumstances:

* those who were aged less than eighteen at the time of the alleged act or omission which is the subject matter of the complaint
* persons who may have had capacity issues at the time of the alleged act or omission which is the subject matter of the complaint

**Complaint Files:**

The record retention limit for complaints files is seven years from the date the complaint is finalised. The IFPP obtains, processes, stores, and destroys personal data in compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). For more information, please refer to the IFPP Data Protection Policy.

Where withdrawal of membership, either temporary or permanent, is imposed, this information will be recorded in the psychotherapist’s membership file. The information will not be published in the Journal and/or website unless this is considered necessary by the Board of Directors or the Accreditation Supervisor. Please refer to the Retention of Complaints Data Policy and the [**IFPP Data Protection Policy**](https://ifpp.ie/wp-content/uploads/2023/11/Lawful-Processing-of-Personal-Data.docx) for further information.

**Confidentiality :**

Complainants, by lodging a complaint, waive their right to confidentiality in so far as the therapeutic process with their psychotherapist is concerned. This means that the psychotherapist against whom the complaint is made can divulge information relevant to the complaint to the Executive and as required by Executive.

**Special circumstances:**

Legal Proceedings:

If you are involved in legal proceedings relating to the case or the matter of the complaint, the IFPP Complaints Process must be deferred until court action is fully completed.

Your complaint form and/or any correspondence will be returned to you, and you will be asked to submit your complaint when legal proceedings have been completed. The IFPP Chairperson (hereafter referred to as chairperson) will ask for written evidence to confirm that legal proceedings relating to the case, or the matter of the complaint have been completed. In these circumstances, an extension to the three-year timeframe may be considered.

Employer/Organisational Complaints Procedures

If a complaint is regarding a psychotherapist who is employed in an organisation which has its own Complaints Procedure, we would ask you to process your complaint via that organisation before submitting your complaint to the IFPP.

Your complaint form and/or any correspondence will be returned to you, and you will be asked to submit your complaint when the above process has been completed. The chairperson will ask for written evidence to confirm that the employer’s internal complaints process has been completed. In these circumstances, an extension to the three-year timeframe may be considered.

Child Protection:
Under current legislation the IFPP has a duty and responsibility to inform Tusla of any matters regarding the safety of children or vulnerable adults that arise while processing a complaint. The Complainant will be notified by the chairperson of any report made to Tusla.

**THE IFPP COMPLAINTS PROCEDURE - MAKING A COMPLAINT:**

Please download and complete the **IFPP Complaint Form**. Please complete electronically or print and complete by hand. When completed please submit your complaint by email attachment or post (details outlined in Complaint Form). It is advisable to access the Complaint Form using a PC/Laptop device rather than a mobile phone.

If you contact IFPP by email, letter or telephone call you will be directed to or sent the Complaint Form and asked to submit this form by email attachment or by post. When you complete the Complaint Form you are asked to give your permission to forward the form to the psychotherapist concerned for their response. This is part of the IFPP Complaints Procedure and without your permission the complaint cannot be examined and will be discontinued.

The IFPP Complaint Form should be completed and signed. Anonymous complaints will not be considered.

A complaint is accepted for investigation by the Executive when

* + the complaint is signed, digitally or in writing;
	+ the Complainant has given permission to send a copy of the complaint in full to the psychotherapist concerned for their observations and comments;
	+ the psychotherapist is or was an IFPP Member at the time of the event(s);
	+ the complaint relates to an event/s within the last three years (with the above exceptions).

The chairperson will acknowledge receipt of the complaint and forward copies of the IFPP Code of Ethics and the IFPP Complaints Procedure to the Complainant. If the complaint does not fall within the above categories, it will be returned to the Complainant with the appropriate explanation.

If the complaint falls under the above categories, the chairperson will inform the Complainant of receipt of the complaint and initiate the Complaints Procedure.

**THE IFPP COMPLAINTS PROCEDURE: EXAMINING THE COMPLAINT**

When a completed Complaint Form has been received, the chairperson will forward it to be reviewed by the IFPP Executive at the next meeting and the Executive will direct the process and correspondence as appropriate.

The identity of the member in question will remain anonymised.

Executive meetings are held regularly (except August) and complaints are examined in order of receipt. There are three steps in dealing with the complaint from this point.

1)

* The Executive will decide whether the complaint is admissible (i.e. the matter of the complaint appears to contravene the IFPP Code of Ethics and Practice)
* Whether it is capable of resulting in an adverse finding against the psychotherapist
* If there is no breach of the Code of Ethics and Practice and the answer to both questions above is ‘No’, the complaint will be dismissed, and the chairperson will inform the complainant of the reasons for the non-admission of the complaint.
* If there appears to be a breach of the Code of Ethics and Practice and the answer to either or both questions above is ‘yes’, the complaint will be admissible.
* The Executive will instigate the examination of the complaint and the Complainant is informed of this decision.
* **Please note:**
* *Complaints correspondence will be sent and received by email attachment unless otherwise requested by either party to the complaint*.

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2)

The Chair of the Executive will nominate one member to act as co -ordinator of a complaints committee, this ad hoc committee will be comprised of an executive member and one other member from the psychoanalytic community. Both these members will keep all details confidential.

These members will ensure that:

* There are no contra indications in terms of conflict of interest in co ordinating the enquiry and will observe complete confidentiality with regard to the identity of any individuals involved.
* Inform the psychotherapist that a complaint has been made and send the Psychotherapist a copy of the IFPP Code of Ethics and the IFPP Complaints Procedure.
* Request permission to send correspondence by email attachment.
* Forward the completed Complaint Form to the Psychotherapist by email attachment or registered post.
* Request the psychotherapist to submit details of his/her Supervisor(required in order to avoid any conflict of interest in the examination of the complaint).
* The psychotherapist will be asked to respond with their comments and observations in writing, by post or by email attachment, and informed that this correspondence, in full, will be made available to the complainant. The psychotherapist will be asked to provide this response within four weeks of receipt of the completed complaint.
* The complainant will be informed that the complaint has been sent to the Psychotherapist and has been asked to respond.

3)

The psychotherapist's response will be forwarded to the Chair of the Executive and discussed at the subsequent meeting. Receipt of the response will be acknowledged in writing by the chairperson.

* The Executive may at this stage look for further information from either party if required.
* The psychotherapist's response will be sent to the complainant for observations and comments. The Complainant will be asked to send in any observations and comments they may wish to make within four weeks of receipt of the psychotherapist's response.
* The complainant’s response will be forwarded to the executive members and discussed at the subsequent meeting. Receipt of the response will be acknowledged by the chairperson. All identifying details will remain confidential at the executive meeting, only the chairperson and the two members of the committee will be appraised of the names of the psychotherapist or the complainant.
* The complainant’s comments will be made available to the psychotherapist who will be given an opportunity to respond in writing. Again, a response should be submitted to the Executive within four weeks of receipt of the Complainant’s comments.
* Once the Executive is satisfied that it has all the relevant information, the Executive will adjudicate and will communicate the determination to the complainant and to the psychotherapist concerned in the complaint case.

**THE IFPP COMPLAINTS PROCEDURE: DETERMINATION**

The Executive may find that no breach of the Code of Ethics and Practice has occurred, and no action needs to be taken.  Both parties will be informed of the final decision, with the rationale for the decision.

The Executive may find that a breach (or breaches) of the Code of Ethics and Practice has occurred, and action needs to be taken.  Where action is required, this may include sanctions to be imposed on the Psychotherapist.

**Sanctions may be one or more of the following:**

* requirement for supervision to be undertaken within a specified timeframe with a supervisor designated by the Executive Committee
* requirement to work under this nominated Supervisor for a specified period of time and for the nominated Supervisor to submit a Supervisor’s Report or number of reports within a specified timeframe
* temporary withdrawal of Accreditation and / or Membership for a specified period during which required developmental actions will be undertaken
* permanent withdrawal of Accreditation and Membership
* Where withdrawal of Membership, either temporary or permanent, is imposed the executive will communicate this decision to the accrediting body who will be requested to record the sanction in the Member’s file.

Any Psychotherapist whose Accreditation has been withdrawn will be required to cease referring to him/herself as an IFPP Member for as long as such withdrawal of Membership remains in force. Both parties will be informed of the final determination, with the rationale linked to the specific breach(es) of the IFPP Code of Ethics and Practice. The Executive  will  monitor any sanctions imposed.

A record of all complaints received and the subsequent outcome will be recorded and retained on file by the administrator of the IFPP in accordance with GDPR guidelines.

This file will only be available to be accessed by chairperson of the executive committee.

In the event that a sanction of any kind is imposed on a member, the member’s supervisor will be informed by the Executive chairperson.

**Appeals Process:**

When a complaint against an IFPP Member is upheld, the Member has the right to appeal the decision of the Executive. If the Committee determination is appealed, the sanction/s imposed will be deferred until the Appeal Process is completed. Sanctions will be reconsidered according to the outcome of the Appeal.

If an appeal is granted the Complainant will be informed.

Appeals may be submitted within 1 month - at this point a new complaints committee will be convened to investigate. No more than one appeal may be made.

**Appendices:**

**Professional Boundaries:**

* Due to the critical importance of maintaining appropriate interpersonal boundaries between therapist and client, and the damaging effects which may occur when they are breached, the Executive Committee may revoke the membership of any member if it determines that an interpersonal boundary violation rises to the level of gross misconduct.
* Gross misconduct in this context means behaviour which the Executive Committee determines substantially exceeds an acceptable deviation from appropriate interpersonal boundaries.
* The Executive Committee will have exclusive authority to make the above determinations and is under no obligation to discuss, debate or explain its decision. These determinations are:
* Whether the member has substantially deviated from appropriate interpersonal boundaries;
* Whether this deviation can be considered gross misconduct; and,
* If membership should be revoked and from what date.
* This authority to revoke a membership in such circumstances will be made at an Executive Committee meeting which is quorate and minuited.
* Membership of IFPP is contingent on acceptance of the above rules, rationale and process.
* To assist members in maintaining professional boundaries, please see the guidelines below. These are general principles and are not an exhaustive rendering of all relevant factors. This list will not be employed by the Executive Committee in making the determinations described above - it is an indicative guide for members only:
* The member should not accept a client with whom they have a pre-existing relationship. Exceptions might be when a psychotherapy student seeks therapy from a lecturer or if the pre-existing relation was minimal and some time in the past.
* The member should avoid contact with clients outside of their clinical space. Exceptions might be an occasional telephone call to change an appointment time, or if the therapist encounters a client through work or unexpectedly at a social occasion. In such instances, the therapist must minimize contact and their interactions to the fullest extent possible.
* Telephone-calls, text messages and emails should be kept to a minimum and not include any vulgar or sexual language.
* In the clinical space, members should avoid any physical contact with clients and should not sit or stand overly close to them.
* Therapists should be thoughtful and moderate in their use of language, especially when asking about or discussing sexual, intimate or relationship-related matters.
* Members should be professional when ending their work with a client and should not maintain the relationship beyond this. Members should not become friends, intimate partners or enter into business with clients / former partners.

**Misconduct and Gross Misconduct:**

**Misconduct:**The term “misconduct” can be applied both to one individual activity and to ongoing performance issues. In both cases, the Investigations and Disciplinary Policy and Procedure can be invoked.

**Definition of Misconduct**

* Misconduct is defined as any behaviour which breaches the ethical standards of behaviour and performance expected of a member of the IFPP
* **Examples of Misconduct (not limited to the following)**

Lack of confidentiality / Ignoring health & safety/ Acting outside of areas of professional competence / Minor breaches of any IFPP Policy or Procedure.

**Definition of Gross Misconduct**

* Gross misconduct is defined as an action by an individual which is so serious that it is regarded as a breach in their ethical practice. Primarily, it is an action which leads to a serious breakdown in trust and confidence in that individual. In every case where the investigative panel are judging if **Gross** Misconduct has occurred, then the degree to which clients/patients as a whole were put at risk or harmed by an individual's actions will be carefully considered. An individual's motivation also will be a factor under consideration. Whilst it is impossible to give a comprehensive list of offences that may be treated as gross misconduct, some examples are outlined, but not limited to examples below:
* **Examples of Gross Misconduct (this list is not exhaustive)**
	+ A member engaging in clinical work when physical or mental illness impinges on mental faculties. (Note): In such a case a member may not necessarily lose membership but will certainly be required to stop psychological work with patients for a period of time.
* Fraud or theft of the IFPP funds or property.
* Being under the influence of alcohol or un-prescribed drugs (intoxicants) whilst at work or consuming alcohol or drugs with clients.
* Serious breaches of confidentiality.
* Any deliberate action where the intention is to damage the reputation of the IFPP.
* Gross breach of any IFPP Policies or Procedures.
* Harassment, bullying, discrimination, or any other significant actions which are counter to IFPP's values.
* Conviction of a criminal offence which would render an individual unsuitable to continue to work with the IFPP.