



UKATA Procedures for Handling Ethical Concerns and Complaints

1. INTRODUCTION

1.1 Definitions and preamble

Abbreviations in this document refer to:

UKATA – UK Association for Transactional Analysis

EPPC – UKATA’s Ethics & Professional Practice Committee

UKCP – UK Council for Psychotherapy

EATA – European Association for Transactional Analysis

TASC – UKATA’s Training, Accreditation and Standards Committee

1.2. One of the functions of the Ethics and Professional Practice Committee (EPPC) is to provide a mechanism whereby UKATA members (from all four fields) and members of the public (who may be clients of TA practitioners) may be protected. At the same time, EPPC aims to facilitate and support professional development by promoting ethical practice.

1.3 EPPC aims to be available in a consultative role to UKATA members and clients, so that where clarification is needed about the ethics of a particular course of action, reflections and/or feedback may be offered.

1.4 EPPC provides this framework within which ethical concerns can be explored, and complaints may be investigated and/or or formally addressed.

2. ETHICAL CONCERNS AND COMPLAINTS

2.1 An ethical “concern” is any matter that may prompt some ethical questioning or critical reflection. For example, a course of action which might seem to be on the margin of what is allowed in UKATA’s Ethical Code, or an action which may constitute a minor or major breach of the Code. A concern may also be a matter which is of an ethical nature but does not warrant the use of the formal Complaints procedure.

2.1.1 Any client or member of the public who has an ethical concern about a UKATA member’s professional practice and/or behaviour is advised to raise this with the member involved directly in the first instance.

2.1.2. Any UKATA member who has an ethical concern about a fellow UKATA member’s professional practice and/or behaviour is expected to address the member involved directly in the first instance. It should be noted that this expectation is set out in the Ethical Codes of UKATA and EATA.

2.1.3. Anyone wishing to raise a concern with a UKATA member may invite the confidential help of a member of EPPC in this process.



2.1.4 In keeping with the Ethics and values of the Transactional Analysis community, it is expected that colleagues should maintain as far as possible an OK-OK position in their communications when raising a concern with a fellow UKATA member. Similarly, it is expected that colleagues should aim to respond to a concern in an OK-OK, non-defensive manner.

2.1.5 UKATA recognizes that to raise an ethical concern is normally a form of good professional practice, and helps us all to maintain a community of high ethical standards.

2.1.6. At the discretion of EPPC Chair, a third party may be appointed to assist both parties in addressing the concern. (See notes on third party facilitation).

2.2 In the event that the above courses of action (such as direct enquiry/confrontation or facilitation) fail to produce an ethical outcome, or if circumstances make it impossible to follow the steps above, a formal complaint may be made.

2.2.1 A complaint should be made in writing, with evidence, to EPPC.

2.2.2 Individuals submitting a complaint should be aware that they are acting to bring about a resolution of difficulties by adjudication. They cannot ask for particular sanctions to be applied, as any sanctions will be the result of an adjudication by the EPPC. There can be no claims for financial redress or compensation.

2.2.3 Individuals making a complaint should be aware that, in the course of an investigation, they may also be subject to questioning. They may be asked to reflect on their own part in the process.

2.2.4 Limitation of time - Complaints will not be considered where the alleged breach took place more than three years prior to the first written notification of the complaint to the Chair of EPPC.

2.2.5 UKATA complaints processes are confidential. Confidentiality must be observed at all times from the outset by all parties. Both complainant and respondent will be advised of this. All other parties involved are required to maintain confidentiality as to both the content and the process of an ethics complaint.

3. MAKING A FORMAL COMPLAINT

3.1. Initiating a complaint

3.1.1. The complaint should be initiated by email to the Chair of EPPC directly or to UKATA. This may take the form of an email to ethics@uka4ta.co.uk or via the UKATA website.

3.1.2 The complaint should be made in writing, detailing

*the nature of the alleged breach or breaches, and

*indicating the section/s of the Ethics Code which are believed to have been breached.

* The complaint should be accompanied by all substantiating evidence.

3.1.3 Complaint materials sent to UKATA, including both the complaint itself and accompanying evidence, should ideally be sent in a digitally secure manner. This may involve password-protecting documents or placing them in a secure online location so that they can be accessed. Complainants may wish to liaise with the Chair or a member of EPPC for advice, or to agree how this can be achieved.

3.1.4 In special circumstances where hard/physical copies of evidence must be sent, the complainant should liaise with the Chair to agree their destination and arrangements for their return.

3.2 Assessing the Allegation(s)

3.2.1 If a complaint is sent to UKATA via the website, the administrator will forward this on to the Chair of EPPC/a member of the Committee, who together with another member of the EPPC will make an initial assessment. The Assessors will firstly form an opinion as to whether or not the complaint is appropriate to the EPPC.

3.2.2. In assessing the complaint, the Chair/EPPC member will take into account:

**Any legal or procedural implications immediately arising.* Legal or other specialist advice may be required.

**Any professional memberships other than UKATA that are held by the person named in the complaint.* In cases where a complaint is made and the person holds registration with UKCP or BACP, for example, the matter will be referred to that body.

**The UKATA membership of the person concerned will be checked.* Where a membership has expired, UKATA EPPC may still consider complaints against the ex-member, but the process may be limited in scope and sanctions will not apply. A re-application for membership may be refused (see UKATA Membership Policy).

3.2.3 The Assessors will form an opinion as to whether or not the complaint will proceed. In forming their opinion, the Assessors will consider only the written complaint and any accompanying evidence. Assessors will record their opinion, together with their rationale, and submit it in writing to EPPC (see 3.2.4). The assessment process will normally be completed within 14 days. The Assessors will conclude that either:

*There is no evidence of a breach of the Ethics Code and the allegation will not be investigated, or

*There is reason to believe that there may be a breach of the Ethics Code, and the complaint will be investigated.

3.2.4 If the Assessors conclude that an investigation should take place, they will inform the Chair of EPPC (if the Chair is not one of the Assessors). The Chair will inform both parties (see 3.3) and bring the case to the Committee (see 3.4)

3.2.5 If the Assessors conclude that there is no breach of the Code of Ethics, the Chair of EPPC will normally inform the complainant within 7 days of this opinion. The option of a third party facilitator may be raised (see 2.1.6)

3.2.6 If a clarification is required by EPPC or new evidence is submitted following the assessment, then a re-assessment may be carried out at the discretion of EPPC, after which no further evidence will be accepted.

3.2.7 Occasionally, members of EPPC may be precluded from taking a role as an assessor for ethical reasons. In these cases, an assessor may be co-opted by the Chair from outside of EPPC. This person will normally be a senior figure with some experience in ethical matters and will be able to make an impartial, confidential assessment together with the Chair.

3.3 Informing both parties that a complaint will proceed to investigation

3.3.1 Where the Assessors have concluded that an investigation will proceed and have informed the Chair of EPPC (3.2.4), in the next 7 days the Chair will:

3.3.2 Inform the person who is the subject of the complaint (hereafter “the respondent”) that a complaint has been received which may indicate a breach of the Ethics Code.

3.3.3 Give notice to both complainant and respondent that the alleged breach of the Ethics Code will now be subject to an investigation, carried out by a Case Manager who will shortly be appointed.

3.3.4 Advise both complainant and respondent that the investigation may lead to:-

*an adjudication by EPPC

*the case being referred to a Hearing Panel

...and that each body has the power to apply a range of sanctions, including removal from the UKATA Membership and/or the UKATA Practitioners Register.

3.3.5 Refer both complainant and respondent to the Procedures for dealing with ethical complaints, sending a copy if appropriate.

3.3.6 Send a copy of the complaint submissions to the respondent, ideally in a digitally secure manner.

3.3.7 Advise the respondent that they are required to make a written response to the allegations within twenty-eight 28 days of receiving the notice (3.3.2). This response should include all necessary evidence and be sent back to the Case Manager in a digitally secure manner.

3.3.8 Inform the respondent that failure to make such a response, without sufficient reason, is in itself a breach of the Code of Ethics and may be assumed by UKATA to indicate that the allegations are valid. In this case an investigation will proceed, or a Hearing Panel may be convened without further reference to the respondent.

3.3.9 Inform the complainant that they should submit any additional evidence to the Case Manager within twenty-eight days.

3.3.10 Where evidence arrives at a late stage during this 28-day period, it will be copied to the respondent as normal. Time for a response to be given (after the 28-day period has expired) may be allowed, at the discretion of the Case Manager.

3.4 Investigating the Complaint

3.4.1 When the Assessors conclude that an investigation will proceed, the Chair will:-

3.4.1.2 Bring the case to the next meeting of EPPC, or if more than 28 days has elapsed since informing the respondent of the complaint (3.3.7), convene an extraordinary meeting.

3.4.1.3 Appoint a Case Manager from among the members of the Ethics & Professional Practice Committee. This appointment will take into account any boundary or other issues that may arise for EPPC members – the Chair will name both Complainant and Respondent in order to determine whether any members should be precluded.

3.4.1.4 In rare circumstances where a member of EPPC cannot fulfil the role of Case Manager, the Chair will be responsible for appointing a substitute, either by co-opting a senior member of the UK TA community (who has no boundary issues as described above) or consulting with UKATA's External Moderator.

3.4.1.5 For the purposes of training and development of EPPC Committee members, a "shadow" may operate alongside the Case Manager. The shadow will be another member of EPPC, appointed by the Chair, who will have no boundary issues with any of the parties concerned. The shadow's role is to review the case materials on a 'backup' basis and offer feedback to the Case Manager if requested.

3.4.2 The Case Manager shall be responsible for:-

3.4.2.1 Investigating the complaint and the response; this may include gathering additional information from the complainant, the respondent, and any witnesses or other parties. Further evidence may be requested, or questions may be asked. These requests and/or questions will usually be in writing (email), unless there are special circumstances, in which case a telephone or videoconference may be used at the Case Manager's discretion.

3.4.2.2 Making a decision, based on all of the evidence submitted, as to whether the allegation(s) in the complaint are upheld or not.

3.4.2.3 If the Case Manager decides that there are no aspects of the complaint to be upheld or there is no case to answer, then the complaint will not proceed any further. The Case Manager will inform EPPC via the Chair, and will then inform both the complainant and the respondent.

3.4.2.4 If the Case Manager decides at any point in the investigation that some external facilitation might be appropriate or helpful, then this may be suggested. A third party facilitator may be appointed if both the complainant and respondent agree to this. (See notes on Third Party Facilitation)

3.4.2.4 If the Case Manager decides that one or more of the allegations in the complaint are to be upheld, then they will submit a written report to EPPC setting out their conclusions. This may include recommendations for sanctions (see section 5) which could be applied to the respondent.

3.4.2.5 If the Case Manager decides, on considering all of the evidence, that a major breach of the ethical code has occurred, they may recommend that the Chair of EPPC appoints a Hearing Panel to make a determination. This step will apply particularly where there is the possibility that a member's practice/registration/UKATA membership may be suspended or terminated as a result of the complaint.

3.4.3 If as the result of investigating an allegation, EPPC become aware that the respondent's current or potential actions do not conform to the UKATA Ethical Code, they will require the respondent to cease immediately from those actions pending the outcome of the investigation. Failure to do this may be taken as evidence of deliberate contravention of the Code.

3.5 There may be exceptional circumstances where, due to boundary issues, a Case manager cannot be appointed from within EPPC and there may not be a majority of sitting members of EPPC to ratify the outcome of the investigation. In this instance, the Chair will be responsible for convening an external investigation panel. This will normally be no less than 3 members of a similar TA organization from elsewhere – Europe or beyond.

The members of this panel will be formally co-opted as temporary members of UKATA EPPC for the duration of the matter. A Case Manager will be appointed from this panel, and the other members will serve as general EPPC Committee members, to ratify the investigation outcome and any sanctions/actions arising. As this process unfolds, the Chair of EPPC will be available to advise the panel on procedural matters only and will not normally be involved in any discussion or investigation of the case. Once an adjudication has been made, the Case Manager will write to the Chair, who will inform both parties of the outcome.

4. ADJUDICATION BY HEARING PANEL

4.1 Initiation and Composition of the Panel

4.1.1 The adjudication procedure by a Hearing Panel exists to examine complaints in a formal manner and to determine the outcome of such complaints and, if the complaint is found to be upheld, to recommend sanctions as appropriate. It may be applied where the Assessors or Case Manager have determined that the case is of particular seriousness (see 3.4.2.5).

4.1.2 Where there is more than one complaint against a member they shall be determined at the same hearing. Should there be more than one complaint against a member from different complainants they may be heard separately or together at the discretion of the Ethics and Professional Practice Committee.

4.1.3 The EPPC will appoint a Hearing Panel of three people, none of whom shall be either the original Assessors or Case Manager. The Panel may comprise members outside of UKATA. They may be members of other equivalent professional bodies (E.G. HIP College of UKCP, BACP, or an EATA-affiliated organization). The panel must include at least one CTA member from UKATA. Members appointed to the Hearing Panel have a duty to declare any interest which may threaten their impartiality. The Case Manager will send a copy of the Instructions to members of the hearing panel at least ten days before the hearing. The Case Manager will write to the complainant and respondent to refer them again to the UKATA procedures regarding Hearing Panel proceedings.

4.1.4 EPPC will appoint a Chair of the hearing Panel, whom the Committee deem suitable in their qualifications and experience to fulfil this role. The Chair must be a member of UKATA, or if there are boundary issues, a member of an equivalent TA organization from elsewhere.

4.1.5 At this stage of the procedure, the complainant and respondent will be informed of who has been appointed to the Panel. Both parties have the right to ask for one member of the Panel to be stood down. EPPC will decide if the grounds are sufficient for the removal of this person from the Panel. If by this means a member of the Hearing Panel is excluded, EPPC will appoint a replacement.

4.2 Hearing Panel Proceedings

Setting a date and preparation for the Hearing

4.2.1 A date for the formal Hearing Panel will be scheduled, for within 90 days of the appointment of the panel. The date of the Hearing will, whenever possible, be agreed by all parties by phone or email before being confirmed in writing by the Chair or EPPC. In the event that the parties to the complaint are unable to agree a date, then the Hearing Panel shall have the final decision in setting the date and place of a hearing. In exceptional circumstances and at the Panel's absolute discretion, the date may be set outside the ninety-day limit but, in any event, will usually be held within 120 days of the Panel's appointment.

4.2.1.1 It is expected that a Hearing Panel will convene in person, unless there are special circumstances where one or more members of the panel are drawn from outside the UK, in which case a Panel may convene online at EPPC's discretion.

4.2.2 Once the hearing date, time and location have been agreed by the Panel, the hearing is binding on all parties and the Panel itself.

4.2.3 Both parties will attend the hearing, usually at the same time. In certain circumstances it may be considered desirable that the complainant and the respondent have no direct communication. This is at the discretion of the Chair of the Hearing Panel.

4.2.3.1 EPPC recommends that each party brings a personal supporter with them on the day.

4.2.3.2 Both parties must notify the Case Manager ten days prior to the meeting of the Panel if it is their intention to bring a legal representative, and/or where they want their representative to speak on their behalf rather than speak to their case themselves.

4.2.4 All written evidence and submissions must be sent to the case manager not less than 30 days before the hearing date. All evidence is circulated to the hearing panel members, the complainant and the respondent not less than 21 days before the hearing date.

4.2.5 New evidence may only be admitted on the day of the Hearing at the discretion of the Panel. The panel will decide if the evidence is admissible, based on its relevance and if its admission is fair to both parties. It may only be in the form of short oral or short written submissions. Either side may be granted a brief adjournment, in order to consider their response to any such new evidence.

4.2.6 The Hearing Panel may invite witnesses or advisors to attend the Hearing to answer questions about their written submissions.

Hearing of Submissions and Evidence

4.2.7 Both parties may be present for the submission of evidence, unless the Panel decides otherwise (see 4.2.3)

4.2.8 A summary of the complainant's case is given by the complainant and any witnesses. The respondent or their representative may put questions to the complainant regarding their case. Questions will be always directed through the Chair of the Panel.

4.2.9 A summary of the case of the respondent is presented by either themselves or their representative.

4.2.10 The complainant or their representative puts questions, through the Chair, to the respondent and/or witnesses.

4.2.11 In circumstances where it is not appropriate for both parties to be present in the same room during the hearing process, the Case Manager will make provision for separate access/attendance and the Panel Chair will be responsible for facilitating the process of dealing with questions and responses from either party.

4.2.12 The Chair will decide, in consultation with the Panel, when there has been sufficient clarification of each party's case for the Panel to begin its deliberations. When this decision has been made, no further questions or input will be accepted.

4.2.13 When the Chair so decides, then all parties except the Panel will be required to withdraw. No supporters or other representatives will be allowed to remain.

4.2.14 The Hearing Panel will take time to consider and determine whether the allegations have been upheld, whether the UKATA Ethical Code has been breached, or whether the case is to be dismissed. A majority vote of the panel will be required in all cases.

Determination

4.2.15 Both parties will be recalled to the Hearing and the finding(s) of the Panel will be summarized. If the parties are being dealt with in isolation (see 4.2.11) then the findings will be communicated to both parties by the Chair of the Panel. This summary determination will be identical in both cases.

4.2.16 If no breach has been found, or the case is to be dismissed, then the hearing will be adjourned, and all parties will leave. A copy of the summary determination will be sent to each party by the Case Manager as soon as possible after the hearing's conclusion.

4.2.17 If a breach of the Code has been found, then the Complainant will be asked to leave the proceedings so that the Panel may move to discuss the findings with the Respondent.

4.2.18 The Panel may have a collegial discussion of the breach with the Respondent. This will be an opportunity for the respondent to offer mitigation, which may include but not be limited to – actions already taken showing insight/understanding of the complaint issues, evidence of overall Good Practice or supporting references/statements, and personal matters which may have influenced the case.

4.2.19 The Panel may find that there are aggravating factors, and these may be put to the Respondent or taken into consideration. They may include but not be limited to – the Respondent’s conduct during the complaints process, any previous complaints that have been made against the Respondent in the last 7 years, and whether there has been an abuse of a position of trust by the Respondent.

4.2.20 The panel will then ask the Respondent to leave, notifying them that they will receive a decision regarding sanctions, through the Chair of the EPPC. The Panel will consider and determine the sanctions to be applied (see section 5) and these require a majority decision. In the case of suspension or termination of membership/registration, a unanimous decision is required.

4.2.21 Within fourteen (14) days of the Hearing, the Hearing Panel advises the Chair of EPPC of its conclusion in writing, together with its recommendations as to sanctions that might be applied. The Chair of EPPC will then discuss the outcome with the EPPC at the next meeting, or convene a special meeting to discuss the matter.

4.2.22 Within 7 days of this meeting, EPPC will notify the Complainant and Respondent of the outcome of the Hearing, including sanctions where applicable. The notification will include notice of the right to appeal, and the time limit for either party to notify their intent to appeal.

4.2.23 In the event that the sanction is either suspension or removal from the register, the Chair of the EPPC will convene a meeting of the UKATA Membership Committee for the suspension/removal to be ratified (see UKATA Membership and Registration policies).

5. SANCTIONS

5.1 Sanctions may be applied following an investigation by EPPC or a Hearing Panel. Sanctions will take into account the safety and/or protection of the public, trainees, students, clients, colleagues and the community as a whole. They will also take into account the learning/development needs of the respondent following the complaint. It should be noted that the formulation and application of sanctions will be conducted in an OK-OK manner in keeping with TA values; these are not punitive or persecutory measures. They are aimed at safety, protection, positive learning development, and the upholding of high ethical standards of practice.

5.2 Sanctions may include, but not be limited to –

5.2.1 A written warning that this behaviour has been noted, a record will be held on file for a specified time. This will have a bearing on any future complaints made in that time (see 4.2.19)

5.2.2. A requirement to change or to effect improvement(s) in a specific way, or to take suitable actions such as further training or additional and/or specific supervision. There may be a specific time frame stipulated for these actions. EPPC may require evidence that training has been undertaken, or a statement from the supervisor confirming sessions have taken place.

5.2.3 Monitoring for a specific period by a supervisor, in relation to the specific practice of the member. EPPC may stipulate criteria for the required supervision (E.G. supervision to focus on specific areas of practice). EPPC may require a statement from the supervisor to confirm that the sessions have taken place.

5.2.4 A reflective report may be required from the Respondent, detailing the learning they have taken from the complaint and accounting for their part in it. A timescale for the submission of this report will be stipulated – it may be immediately following the complaint outcome, or it may be after a period of reflection and/or supervisory input (see 5.2.2, 5.2.3).

5.2.5 Suspension of one or more of the following: UKATA registration, authority to supervise or train UKATA members (including students/trainees), or membership of UKATA. This suspension may be for a set period or until certain conditions are met. The period and/or conditions will be recommended by the EPPC and (where appropriate) ratified by the Membership Committee.

5.2.6 Termination of one or more of the following: UKATA registration, authority to supervise or train, recognised status or UKATA membership. The Chair of EPPC will convene a meeting of the Membership Committee for the termination to be ratified.

5.2.7 If EPPC consider that the complaint is relevant to a Committee position within UKATA, they may require the respondent to disclose the complaint outcome to the Chair of that Committee, who will be asked to confirm that they have been informed.

5.2.8 In cases where the ethical issue has arisen from the Respondent's training practice or their work with a UKATA Registered Training Establishment, EPPC may decide to pass relevant information to TASC, so that they can consider whether further monitoring is warranted.

5.3 In the event that the Respondent is unwilling to join in and assist in the process of reaching a resolution of a complaint, or to accept or co-operate in meeting the conditions of a sanction as defined in section 5.2, then EPPC may decide to refer the matter to a Hearing Panel. The Hearing Panel may recommend termination of UKATA registration or membership in place of any alternative outcome.

5.4 The EPPC automatically reviews, for implementation, the recommendations of any complaint adjudication. This includes EPPC-led investigations and Hearing Panels. Reflective reports, statements, and other evidence submitted to meet sanction requirements will be seen and reviewed by EPPC but not shared with the Complainant. If they are not found to be satisfactory, EPPC may extend the time period of sanctions so that the requirements can be met.

5.5 When sanctions and/or requirements have been completed, EPPC will write to the Respondent and the Complainant to inform them of this.

6. APPEALS

6.1 The complainant or respondent may appeal against the recommendation of the EPPC or Hearing Panel. Any appeal shall be limited to a review of the procedures, evidence and findings; new evidence will not be accepted in the consideration of an appeal.

6.2 To initiate an appeal, the intent should be notified in writing to the Chair of EPPC within 30 days of the conclusion of the complaint. The notice should identify which aspects of procedure, evidence or findings are the subject of the appeal.

6.3 The appeal will be directed in the first instance to UKATA's External Moderator. It is expected that the External Moderator will not have any boundary issues with the parties of the complaint, but if this situation arises, an alternative External Moderator will be appointed by the Management Board or Board of Trustees of UKATA.

6.4 The Chair of EPPC will forward all materials relating to the complaint, the investigation, or the Hearing to the External Moderator within 14 days of the notice of the appeal.

6.5 The External Moderator will review the materials and make a determination.

6.6 The result of the appeal will be communicated by the External Moderator to the Chair of EPPC in writing, giving reasons for the decision. The Chair of EPPC will then notify the EPPC, the complainant and the respondent of these findings. The EPPC will be responsible for implementing any actions or procedures resulting from the outcome of the appeal.

7. PROTOCOLS GOVERNING COMPLAINTS PROCEDURE

7.1 Records and Documentation

7.1.1. Records of EPPC concerns, complaints, and Hearing Panels will be held and archived for a period of 7 years by EPPC. This will include records of assessment, where it has been determined that a complaint will not proceed (see 3.2.5). A secure password-protected folder will be created, containing all materials including evidence and correspondence of all parties. Communications to and from EPPC will be included.

7.1.2 The secure folder will be held on a secure online platform, which is accessible to the EPPC Chair and members of EPPC only.

7.1.3 The Chair and EPPC will be responsible for the security of the folders on this platform and will be responsible for ensuring that folders are deleted after the 7-year period.

7.2 Failure or refusal to engage

7.2.1 Failure of the complainant to engage with the investigation process and/or the Hearing Panel or to respond to requests for information, without good reason or due notice, means the complaint shall be regarded as withdrawn and no further action will be taken with regard to that complaint. The complainant's right to appeal is also lost.

7.2.2. Failure of the respondent to engage with investigation by EPPC may be automatically referred to a Hearing Panel.

7.2.3 If a complaint has been referred to a Hearing Panel and the Respondent fails to respond to requests for information without good reason or due notice, the Panel may recommend the termination of membership of that UKATA member (see 5.2.6). The respondent will also lose their right to appeal.

7.3 Findings of complaints procedures shall be notified to the complainant, the respondent, and to other parties directly involved. In addition, in the event that a respondent has their membership or registration terminated, such findings shall be reported to the full membership of UKATA by way of a notice on the UKATA website. Suspension may be publicised at the discretion of the Panel, depending on Public Interest considerations.



7.4 All persons taking part in UKATA Complaints Procedure will act in a manner which does not breach confidentiality (see 2.2.5) - neither will they attempt to influence the outcome of the investigation. In the event that confidentiality is breached or a party to the complaint attempts to influence the process or outcome, an EPPC investigation may be brought against the person concerned and sanctions may result.

7.5 The resignation of a Respondent will not be accepted until UKATA Complaints Procedure has been completed.

7.6 In the event that a potential complainant only attains an ability to complain after the three-year statute of limitation has lapsed, they may still seek privately some form of resolution to their concern. For reasons relating to the availability and quality of evidence, this resolution will not include invoking the formal Complaints Procedure.

7.7. A complainant can withdraw their complaint at any time. A withdrawn complaint cannot be resubmitted at a later date. All documentation relating to said complaint will be deleted.

7.8 Complaints made anonymously will not be considered and all material relating to them will be deleted.

7.9 All communications regarding complaints will be made through the EPPC, addressed to the Chair of EPPC or the Case Manager. Communications not made in this way will not be recognised by UKATA.

7.10 UKATA is required to report every 5 years to UKCP's HIPC College, regarding the number of formal complaints received, their nature and their disposition. The information provided is a brief summary only and no identifying details are given.

7.11 The complainant and the respondent must act and appear in person, whether the proceedings are run in-person or online. Powers of attorney will not be accepted except under extraordinary circumstances which must have the prior approval of EPPC.

7.12 UKATA will not be responsible for travel or any other expenses incurred, either by the complainant or the respondent, in connection with any stage of the complaint. No claims for loss of earnings or other compensation will be accepted.

8. THIRD-PARTY FACILITATION

8.1 The option of facilitation by a neutral third party may be suggested by EPPC Chair, the Case Manager, or a Hearing Panel.

8.2 It should be noted that this option is for process facilitation only – supporting both parties in a respectful dialogue. The dialogue will be aimed at de-escalating conflict, encouraging reflection on both sides, and the possible repair of ruptures.

8.3 This option is not for professional mediation or negotiation of any kind of financial settlement.

8.4 The facilitator will not be drawn to make any adjudication on the concerns, or to decide 'right and wrong'.

8.5 EPPC will propose a facilitator, whose qualifications and experience are suitable for the role. Both parties will be asked to confirm that there are no boundary issues with the person proposed. EPPC will contact the facilitator confidentially and check that there are no boundary issues with either party.

8.6 Once the facilitator has been confirmed, the management of the process will be handed over to them. The facilitator will be asked to contact both parties and outline what they intend to offer as a preliminary contract.

8.7 The facilitator is entitled to charge a fee for their involvement. This fee will be shared equally by both parties. UKATA will not be liable for any facilitation fees.

8.8 It is hoped that the facilitation process comes to a mutually acceptable conclusion. If an agreement is reached that the complaint should be withdrawn, both parties will be required to confirm this to the facilitator, as this will be considered a binding agreement.

8.9 If the facilitation does not reach a mutually acceptable conclusion, or it seems during the process that the aims in (8.2) are unlikely to be achieved, the facilitator may call the process to a halt.

8.10 The facilitator will inform EPPC of the outcome of the process by means of a very brief summary. If the complaint is to be withdrawn, the facilitator will confirm this to EPPC.

8.11 Whatever the outcome, the facilitation process will be self-contained and confidential. Under no circumstances will any statements or actions during this process be used to further prove or disprove an ethical complaint. EPPC will not consider any ethical complaints that relate to either party's behaviour or communications during the facilitation process.

8.12 If a complaint proceeds, the fact that a facilitation has been attempted will not influence the outcome of any investigation and/or Hearing Panel proceeding.