

Irish Association for Counselling and Psychotherapy Complaints Procedure

The Irish Association for Counselling and Psychotherapy (IACP) is committed to upholding professional standards for Counsellors and Psychotherapists and to protect the public.

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 IACP Accredited Member or Pre-Accredited Member (Pre-Accredited Members are qualified Counsellors/Psychotherapists working towards Accreditation with the IACP).

Wherever possible or appropriate, if you have a complaint, you are encouraged to approach the Counsellor/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 IACP from investigating an act or omission of an IACP Member where no complaint has been received by IACP in relation to that practitioner and the procedure followed will be similar to that set out below.

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prevent the IACP from proceeding with a complaint made in accordance with this procedure and which is subsequently withdrawn, when IACP considers it to be in the public interest or in the best interests of the IACP to do so.

Either party to a complaint may seek independent legal advice or legal consultation at any stage of the IACP Complaints Process. However, if legal proceedings* are initiated by either party, the IACP Complaints Procedure will be suspended until such time as the legal proceedings have been completed.

IACP can investigate complaints regarding:

- A therapeutic service** (including counselling or psychotherapy) provided by an IACP Accredited / Pre-Accredited Member where the Complainant deems there

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has been a breach of the IACP 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:
www.iacp.ie/iacp-code-of-ethics

IACP cannot :

- Investigate complaints regarding individuals who **were not IACP members at the time of the event** that is the subject of the complaint.
- Investigate complaints which have already been dealt with by the IACP whether discontinued or not by the Complainant.
- Make a Counsellor/Psychotherapist apologise to the Complainant.
- Provide a detailed explanation of what happened to the Complainant. This can only come from the Counsellor/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.

IACP can accept complaints from:

- Clients***
- A parent or guardian representing a child under eighteen
- A representative for an adult who lacks physical or mental capacity

Please note:

If 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 IACP 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.

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*This may be subject to exceptions in the case of:

- 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

Special circumstances:

Legal Proceedings:

If you are involved in legal proceedings relating to the case or the matter of the complaint, the IACP 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 IACP Complaints Committee Administrator (hereafter referred to as 'Administrator') 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 Counsellor/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 IACP.

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 Administrator 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.

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The IACP Complaints Procedure: Making a Complaint

Please download and complete the IACP Complaint Form by accessing the following link: www.iacp.ie/complaints The Complaint Form is available to download on the bottom left hand side of this page in the Downloads section. 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).

If you contact IACP 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 Counsellor/Psychotherapist concerned for their response. This is part of the IACP Complaints Procedure and without your permission the complaint cannot be examined and will be discontinued.

A complaint is accepted for investigation by the Complaints Committee 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 Counsellor/Psychotherapist concerned for their observations and comments.
- the Counsellor/Psychotherapist is or was an IACP 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 Administrator will acknowledge receipt of the complaint and forward copies of the IACP Code of Ethics and the IACP 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 Administrator will inform the Complainant of receipt of the complaint and initiate the Complaints Procedure.

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Confidentiality:

It is important to note that Complainants, by lodging a complaint, waive their right to confidentiality in so far as the therapeutic process with their Counsellor/Psychotherapist is concerned. This means that the Counsellor/Psychotherapist against whom the complaint is made can

- divulge information relevant to the complaint to the Complaints Committee and as required by Complaints Committee.

The Complaints Procedure: Examining the Complaint

When a completed Complaint Form has been received, the Administrator will forward it to be reviewed by the IACP Complaints Committee at the next meeting and the Complaints Committee will direct the process and correspondence as appropriate.

Complaints Committee meetings are held monthly (except August) and complaints are examined in order of receipt.

Step 1

The Complaints Committee will decide

1. Whether the complaint is admissible (i.e. the matter of the complaint *appears* to contravene the IACP Code of Ethics and Practice)
2. Whether it is capable of resulting in an adverse finding against the Counsellor/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 Administrator is instructed to inform the Complainant with 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.

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The Complaints Committee 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.

Step 2

The Complaints Committee shall via the Administrator:

- Inform the Counsellor/Psychotherapist that a complaint has been made and send the Counsellor a copy of the IACP Code of Ethics and the IACP Complaints Procedure.
- Request permission to send correspondence by email attachment.
- Forward the completed Complaint Form to the Counsellor/Psychotherapist by email attachment or registered post.
- Request the Counsellor/Psychotherapist to submit details of his/her Supervisor (required in order to avoid any conflict of interest in the examination of the complaint).

Step 3

- The Counsellor/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 Counsellor/Psychotherapist will be asked to provide this response within four weeks of receipt of the completed complaint.
- The Complainant is informed that the Counsellor/Psychotherapist has been sent the complaint and has been asked to respond.
- The Counsellor's response is forwarded to the Complaints Committee Members and discussed at the subsequent meeting. Receipt of the response is acknowledged by the Administrator.
- The Complaints Committee may at this stage look for further information from either party if required.
- The Counsellor's response will be sent to the Complainant for observations and comments. The Complainant will be asked to send in any observations and

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comments they may wish to make within four weeks of receipt of the Counsellor's response.

- The Complainant's response is forwarded to the Complaints Committee Members and discussed at the subsequent meeting. Receipt of the response is acknowledged by the Administrator.
- The Complainant's comments are made available to the Counsellor/Psychotherapist who is given an opportunity to respond in writing. Again, a response should be submitted to the Complaints Committee within four weeks of receipt of the Complainant's comments.
- Once the Complaints Committee is satisfied that it has all the relevant information, the Complaints Committee will adjudicate and will communicate the determination to the Complainant and to the Counsellor/Psychotherapist concerned in the complaint case.

The Complaints Procedure: Determination

- The Complaints Committee 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 Complaints Committee 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 Counsellor /Psychotherapist, which may be **one or more** of the following:

- Requirement to change specific therapeutic practice(s); this may include further training and / or specific supervision requirements to be undertaken within a specified timeframe.
- Requirement to work under a nominated Supervisor for specified period of time and potentially for the nominated Supervisor to submit a Supervisor's Report to the Complaints Committee 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.

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Where withdrawal of Membership, either temporary or permanent, is imposed the Board of Directors will be asked to ratify the decision of the Complaints Committee. The Board of Directors will communicate this decision to the Accreditation Supervisor who will record same in the Member's file.

Any Counsellor/Psychotherapist whose Accreditation has been withdrawn will be required to cease referring to him/herself as an IACP 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 IACP Code of Ethics and Practice.
- The Complaints Committee shall monitor any sanctions imposed.
- When a complaint against an IACP Member is upheld, the Member has the right to appeal the decision of the Complaints Committee.
- 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.

Complaint Files

The record retention limit for complaints files is seven years from the date the complaint is finalised. The IACP 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 IACP Data Protection Policy.

Where withdrawal of Membership, either temporary or permanent, is imposed, this information will be recorded in the Counsellor/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 IACP Data Protection Policy for further information. Both documents can be accessed by visiting www.iacp.ie/complaints. They are available to download on the bottom left hand side of this page in the Downloads section.

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Couple Counselling, family counselling and group therapy:

When a complaint is made by a client about counselling involving more than one individual, it is important to note that the Counsellor/Psychotherapist may need to have the consent of the other party/parties in order to answer the complaint. Where only one person makes the complaint, and the other person/persons do not give consent/it is inappropriate to ask for consent, the Counsellor/Psychotherapist may only divulge information relating to the Complainant.

Child Protection:

Under current legislation the IACP 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 Administrator of any report made to Tusla.

GDPR:

The IACP is committed to compliance with GDPR throughout the complaints process.

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