



**EMDR ASSOCIATION UK & IRELAND**  
**COMPLAINTS POLICY & PROCEDURES (10/01/14)**

**A. Preamble**

- i. For quality assurance, the EMDR Association UK and Ireland (The Association) regularly reviews its policies and procedures and has reviewed the Association's Complaints Policy.
- ii. The Association takes complaints seriously and it is the policy of the Association to resolve complaints.
- iii. The process of resolving a complaint is a means of ensuring that the Association maintains the highest standards of professional conduct and performance.
- iv. For the purpose of this procedure, a complaint is defined as 'an expression of dissatisfaction, with an aspect of the work, procedures or processes of the Association or related to the conduct of its officers or members in the context of their work for the Association'.
- v. Complaints may be brought by a member or members of the public, a member of the Association or a member of the Trust Board.
- vi. Where possible and if appropriate, complaints will be dealt with informally, or through mediation. However, it is acknowledged that there may be some circumstances where mediation is unsuccessful or when the matter is so serious, it should be examined more fully under the formal procedures.

**B. Principles of Handling Complaints**

- i. The Association aims to ensure that raising an issue or complaint is as timely and efficient as possible.
- ii. Confidentiality will be maintained throughout.
- iii. The process will ensure that all members are treated fairly and consistently.
- iv. No action will be taken until the complaint is fully investigated.

- v. The administration of the Association's complaints procedure follows specific protocols and should be adhered to under all circumstances. If the Board are notified of any irregularities of the procedure, immediate action should be taken to revert to the prescribed procedure.
- vi. This Policy does not supersede the conditions laid down in the EMDR Association UK & Ireland Disciplinary Policy.
- vii. The Association's Disciplinary rules may be evoked at any time.
- viii. The Complaints Policy should be implemented in accordance with the EMDR Europe Code of Ethics and associated documents.

### **C. Informal Approach**

- i. Where possible, and if appropriate, and dependent upon the extent of the complaint, complaints will be dealt with informally.
- ii. Once a complaint has been notified, a Board member should be available to discuss the matter with the complainant and try to resolve the matter informally, by telephone or face to face.
- iii. If a named person is involved, the opportunity to discuss the issue with them should be made available, if acceptable.
- iv. Once the details of the complaint are known, they will be shared with the person or persons involved or the Association and they will be given the opportunity to put the matter right.
- v. If the complaint cannot be resolved informally, mediation will be offered. If mediation is declined by either party, or unsuccessful, then the formal procedure may be used.

### **D. Procedure for Mediation**

- i. Upon receipt of a formal complaint or if a complaint cannot be resolved informally, the Board will appoint, if appropriate, a mediator, provided that the mediator does not personally have an interest in the matter and has no professional or other boundary issues in relation to either party. The mediator will preferably be trained in mediation and able to facilitate the process.
- ii. The Board shall inform the mediator of the nature and details of the complaint, the parties involved and any previous attempts to resolve the matter together with any other relevant information.
- iii. The mediator shall contact the complainant and complainees and shall attempt to explore the issue with them. If possible this contact should take place as soon as possible and preferably within 14 days of the complaint having first been made.

- iv. The mediator shall explain to each party, the process of mediation and shall make clear to each party that he/she may be required to meet half the costs of the mediation, if it proceeds, with an estimate of the maximum amount payable.
- v. The complainant and complaine e may choose at this stage to appoint a mentor to advise and assist them through the mediation process. The complainant and complaine e shall also be provided with details of potential external support.
- vi. A meeting shall take place within 14 days of the appointment of the mediator, between the complainant, complaine e and any respective mentors. The meeting should be informal and the mediator will ensure that all relevant views are heard, with both parties given equal time.
- vii. If the matter cannot be resolved to the satisfaction of both parties at the initial meeting, a second meeting may be called, at the discretion of the mediators.
- viii. Mediation meetings are confidential to the parties in attendance and all discussions are without prejudice to any further complaints or litigation. The discussions that take place are not to be taken to other agendas.
- ix. If the matter cannot be resolved to the satisfaction of both parties, the complainant shall be informed that if he/she wishes to pursue their complaint formally, they must notify the Association's Administrator in writing within 14 days. The complainant and complaine e should be given a copy of the Complaints Policy and Procedures.
- x. On conclusion of the matter at any stage, the mediator shall report the outcome to the Board as soon as possible thereafter.

#### **E. Procedure for Making a Complaint**

- i. The Complaint needs to be in writing to the Association's Administrator. The Complaint will be forwarded to the President or if it involves the President or there is an identified conflict of interest-forwarded to the President Elect or Past President.
- ii. The submission should contain:
  - a. Details of what or whom the complaint is about
  - b. Dates related to the complaint, where the complaint occurred, who was involved.
  - c. Evidence related to the complaint should be provided.
  - d. Details of action taken to date in an attempt to resolve the complaint, responses received and how this has affected the nature of the complaint.

- iii. A complainant can withdraw his/her complaint at any time. However, a withdrawn complaint cannot later be resubmitted.
- iv. All complaints must be received within a three year period of the said matter taking place.

**F. Investigating the Complaint**

- i. If the President is involved in the complaint or if there is a clear and identified conflict of interest, then the President Elect or Past President will assume this responsibility.
- ii. On receipt of a formal complaint to the Association, the President will appoint an independent complaints committee consisting of a Chair and three other individuals.
- iii. The President will appoint an Investigating Officer for the complaint.
- iv. The President will appoint a Welfare Officer. The Welfare Officer will be available for support for all parties concerned.
- v. The parties concerned should not have any personal, professional or other boundary issue in relation to any complaint. If, in the course of the investigation it is discovered that any members of the Complaints Committee knows the complainant or complainee, they should step down from the committee and a new person(s) be appointed.
- vi. The Complaints Committee will advise the outcome of their decision to the President.

**G. The Investigating Officer will be responsible for:**

- i. Within 7 days of the appointment, establishing that the complainant wishes to lodge a formal complaint and that they are aware of the implications of this action.
- ii. Establishing the nature of the complaint, the details of the complaint and those involved, and gathering the evidence relating to the complaint and preparing the information for the Complaints Committee.
- iii. Identifying the course of the complaint and the involvement of the Association and/or representatives of the Association or its members
- iv. Obtaining all of the available related material and evidence as signed, including dated factual statements from the complainant, witnesses and other members or officers involved.
- v. The Association will make available to the Investigating Officer, all documentation, records and audit trails relevant to the complaint.
- vi. Within 7 days of the appointment, informing any specific individuals involved that an investigation is underway and the nature of the complaint.

- vii. Establish whether any other action is being undertaken with regard to the complaint including any form of litigation.
- viii. Within 21 days of the appointment, submitting, after gathering the relevant evidence, a written, signed and dated factual report to the Chair of the Complaints Committee.

#### **H. The Function of the Complaints Committee**

- i. The Complaints Committee has the power to obtain further evidence if required. They may direct the Investigating Officer to this effect.
- ii. The Complaints Committee has the right to convene an investigatory interview in order to further establish the nature of the complaint.
- iii. Any member cited in the complaint has the right to state his/her case with respect to the complaint. They may be accompanied by a representative, or friend, not acting in a legal capacity.
- iv. To identify any failure of conduct or performance on the part of anyone involved in the complaint.
- v. Dependent upon the available evidence, the Complaints Committee will decide if the evidence available is sufficient to sustain the complaint.
- vi. This may include reference to the Association's Disciplinary Policy and Procedure, if the complaint is upheld and/or involved a member in a breach of the disciplinary rules or the Code of Ethics.
- vii. The Complaints Committee is able to determine the action to be taken with regard to the complaint and recommend this to the President. The President will be responsible for implementing the instructions of the Complaints Committee.

#### **I. Outcome**

- i. The outcome of the complaints procedure will be conveyed to the complainant and complainee by letter, within 14 days.
- ii. The letter giving the outcome of the investigation will state:
  - a. Whether the Association has upheld, partly upheld or not upheld the complaint
  - b. Where the complaint has been upheld, or partly upheld, what action the Association is taking to put matters right and to ensure that it does not happen again
  - c. What the complainant may do if they disagree with decision.

- iii. Where the complaint is sustained against the Association, it is incumbent upon the Association to learn from the issues raised in the complaint and to improve and change its practice accordingly.
- iv. A root cause analysis will be undertaken as a means of making any necessary adjustments to the processes in the Association, ensuring that similar errors do not occur again.

**J. Right of Appeal**

- i. The complainant will have the right to appeal the decision of the Complaints Committee.
- ii. The right of appeal should be notified to the Association in writing within 14 days of the disciplinary interview.
- iii. Written details of the reasons for the appeal should be provided by the appellant, in the form of a statement, including new information, supporting documentation or correspondence related to the complaint.
- iv. The President will appoint an Appeals Committee within 7 days of receipt of an appeal, members of which will not include those involved in hearing the original complaint. The Appeals Committee shall include external persons of standing to ensure impartiality.
- v. The Chair of the Appeals Committee will convene a new hearing and hear new submissions.
- vi. The Chair of the Committee hearing the appeal will either uphold the appeal, issue any other action required or dismiss the appeal.
- vii. The decision of the Appeals Panel is final and should be confirmed by the President.
- viii. The complainant and complainees will be notified in writing of the decision of the appeal, with 21 days of the decision of the Appeal Panel.

**K. Malicious Complaints**

- i. It is expected that the complaint will be presented in a reasonable way.
- ii. The EMDR Association UK & Ireland will not be held responsible for any costs, eg legal representation, incurred by either the complainant or complainees, in pursuance of a complaints procedure. Costs borne by the Association may be sequestered in the case of malicious complaints.

- iii. Unacceptable actions or behaviour by complainants may lead to the complaint being void and if an Association member is involved, action may be taken against them under the Disciplinary Policy.
- iv. The Association will take complaints seriously. However, if the complaint is malicious, disciplinary action will be taken against the perpetrator if they are a member of the Association. Careful consideration will be made with regard to the action to be taken against non-members.
- v. Any deliberate attempt to mislead the investigation of the complaint may lead to disciplinary action being taken.
- vi. Anonymous complaints will be considered independently of the Complaints Procedure and the Association will take any action it deems fit.

#### **L. Record Keeping**

- i. The Association will keep a record of all complaints
- ii. An audit of complaints will be conducted by the Board on a regular basis.

### Appendix 1

#### Gross Misconduct

The following are examples of Gross Misconduct and may lead to summary dismissal:-

- a) Theft
- b) Fraud
- c) Corruption
- d) Deliberate falsification of records
- e) Serious negligence which causes unacceptable loss, damage or injury
- f) Deliberate damage to Association property
- g) Serious carelessness
- h) Extreme or persistent racial, sexual, religious or cultural, abuse or provocation
- i) Misrepresentation of qualification or experience on application forms
- j) Failure to comply with professional statutory requirements, and professional code of conduct.

It should be noted that anything else of a like category will be considered to be Gross Misconduct.

The above list is therefore not exhaustive nor is it in any order of seriousness.

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Lorraine Knibbs

09/01/2014.