

Pathways to dealing with concerns and complaints

Alternative Dispute Resolution

Complaints and Professional Conduct Procedure



Both the ADR process and the CPCP are based on the important principles of natural justice which means that both client and practitioner have an equal right to be heard and to be treated fairly, without bias.

Information about the pathways

When clients have a concern or complaint about a practitioner there are two possible pathways for addressing the issues:-

- a) the informal Alternative Dispute Resolution (ADR) process, and
- b) the formal Complaints and Professional Conduct Procedure (CPCP).

The Clinical Ethics Committee or the ADR Manager can provide advice about which pathway may be appropriate, and we recommend that clients check this before sending a written concern or complaint. This allows the Institute to use resources more effectively when it may be clear that the concern or complaint could be resolved by the use of options available in the informal ADR process, or that the concern or complaint should be sent in writing for consideration under the formal procedures, where there may still be opportunities to achieve resolution using the ADR, if appropriate, and both parties agree.

Before raising a concern or complaint we always recommend that clients attempt to resolve the issue directly with the practitioner first, unless it is clearly not appropriate to do so.

The Clinical Ethics Committee can be contacted by email at clinical.ethics@metanoia.ac.uk

The ADR Manager can be contacted by email at adr@metanoia.ac.uk

Alternative Dispute Resolution (ADR) is an informal process designed to address and resolve concerns and complaints in a fair and transparent manner by using mediation, facilitated meetings and other options in a way that can be closely matched to the particular nature of the concern or complaint, and the differences and misunderstandings that may have arisen between client and practitioner. Mediation, meetings and other options are facilitated by senior members of the Institute, or senior members of another professional organisation.

When mediation is used both parties have the opportunity to be fully heard, to resolve differences and misunderstandings between them, and to reach mutual agreement about practical solutions. The practitioner also has the opportunity to apologise directly to the client about mistakes they may have made. The mediation is concluded by the client and practitioner making a written agreement.

ADR avoids the stress and emotional cost of being involved in the formal CPCP in circumstances where it is not necessary to use formal procedures. Formal procedures may also be halted in the earlier stages to allow both client and practitioner the opportunity to resolve the issues which have arisen between them using ADR, if both parties agree. ADR is not used when the concern or complaint indicates that there are public safety issues.

The informal Alternative Dispute Resolution process can be found at <http://www.metanoia.ac.uk/about-us/policies-and-procedures/>

The Complaints and Professional Conduct Procedure is used to deal with concerns and complaints when the events described in the concern or complaint contain allegations that serious, or very serious, infringements of the Institute's ethical codes may have taken place. This may concern unethical conduct and/or impaired fitness to practice when the practitioner may be unable to provide a good enough standard of service, as expected by the profession. Enquiries are carried out to establish, as far as possible, what has happened between the client and practitioner. The results of the enquiries are then assessed using the "realistic prospect" test to decide whether it is more likely than not that the allegations are true and, if so, whether the allegations concern infringements that are serious and the case would be referred for an Adjudication Panel to decide.

Should the practitioner takes full and genuine responsibility for what has happened before an Adjudication Panel is convened, and they agree to accept the likely sanctions a Panel may impose, the case will not go to adjudication. The sanctions will be imposed by the Enquiry and Assessment Panel.

When an Adjudication Panel is convened both parties must attend, and the client will be represented by a senior member of the Institute, or another professional person, and the practitioner may be represented by an advisor or a solicitor. The Panel will ask questions of the client and the practitioner, or those representing them, and may also ask questions of any witnesses of either party if the Chair has asked them to attend the Hearing. If the case is upheld the Adjudication Panel will decide on sanctions.

Concerns and complaints about less serious matters may also be assessed under this procedure. There are points early on in the procedure where both the client and the practitioner may be offered an opportunity to resolve the concern or complaint using ADR, and the formal procedure will be put on hold. If either the client or practitioner does not agree, the Enquiry and Assessment Panel may impose sanctions, which are usually educational, such as further training in a specific area.

Some concerns and complaints may be dismissed by the Enquiry and Assessment Panel, because there is insufficient evidence to show that the practitioner has done anything, or omitted anything, which infringes the Institutes ethical codes

At all times during this procedure the Clinical Ethics Committee will communicate in a timely manner with both the client and the practitioner to let them know what is expected, and keep them appropriately informed.

The Complaints and Professional Conduct Procedure can be found at <http://www.metanoia.ac.uk/about-us/policies-and-procedures/>

Please note: all references to the Clinical Ethics Committee above also refers to any other professional person the Committee appoint in any part of the CPCP procedure.