



UK Employee Assistance Professionals Association

Complaints & Disciplinary Procedure

Where an individual or organisation has any issue with a member of the UK Employee Assistance Professionals Association (UK EAPA), the Association always recommends that, in the first instance, both parties should attempt to resolve the issue between themselves before contacting UK EAPA. Initially UK EAPA will attempt to mediate a settlement between both parties before accepting a 'formal' complaint.

What complaints will UK EAPA investigate?

This Complaints Procedure should be used in conjunction with actions relating to the provision of an EAP service, as set out within the UK EAPA Standards of Practice & Professional Guidelines for EAPs (see www.eapa.org.uk).

UK EAPA has a number of professionals as members as well as providers of services. Where a complaint involves the professional standards or ethics of another body, their disciplinary process will take precedence over this process.

For example a complaint about the actions of an individual counsellor may be investigated by the British Association of Counselling & Psychotherapy (BACP) or the British Association for Behavioural and Cognitive Therapies (BABCP). Similarly, a legal provider may be investigated by the Law Society, and a nurse may be investigated by the Nursing & Midwifery Council (NMC).

Should such a professional body uphold a complaint and action or sanction be brought to the attention of UK EAPA, then UK EAPA will consider taking action as if a formal complaint had already been made.

What if the complaint is anonymous?

All complaints must be made in writing. See Section 1 (below).

Complaints process

Every Member shall submit to the authority of UK EAPA to deal with a complaint made against any Member in respect of any breach of the provisions of the UK Employee Assistance Professionals Association Standards of Practice & Professional Guidelines for EAPs (as published from time to time) or the UK EAPA Code of Ethics (as published from time to time).

The following should be noted:

- **Confidentiality:** Information about any complaint will only be given to those directly involved. All those involved in the complaints process will be advised about the need for confidentiality.
- **Fairness and impartiality:** Fair treatment for all is paramount to this process and any complaint will be handled fairly and in good faith by UK EAPA. The respondent will have the right to know the details of any allegations made against them, whether these allegations are from an individual or an organisation. Both parties will have the opportunity to give their version of events and no judgement will be made until all relevant information has been assessed.
- **Victimisation:** People involved in a complaint will be protected from victimisation. Victimisation will be investigated and may be subject to further action by UK EAPA.
- **Records:** Notes and communications concerning the complaint, its investigation, outcome and actions will remain confidential.

UK EAPA Complaints Process

1. All complaints must be made in writing either by letter or e-mail, by a named person ('the Complainant') including their address and contact number and signed by the Complainant and addressed to the Chair of UK EAPA ('the Chair').
2. Within 5 working days following receipt of any Complaint, the Chair shall appoint an independent member of UK EAPA (other than the Chair) to conduct an initial investigation ('the Investigating Officer') of the Complaint received.

3. The Investigating Officer shall:

- Inform the Respondent of their appointment
- Provide the Respondent with a copy of the Complaint and invite a written response to the Complaint within 30 days.
- Investigate the Complaint as necessary.
- Provide to the Complainant and Respondent a written response to the investigation within 60 days.

4. The written response shall be one of the following:

a. There is no prima facie case to support the Complaint and thus the Complaint is dismissed immediately.

b. A prima facie case has been established and the Complaint will be referred for further investigation to a Disciplinary Committee appointed by the Board of Officers of UK EAPA ('the Disciplinary Committee') comprising no fewer than four nor more than six Members and will not include the Investigating Officer, or any member of the Board of Officers of UK EAPA. The Chair of UK EAPA shall appoint the Chair of the Disciplinary Committee.

5. Within 14 days of the establishment of the Disciplinary Committee, the Investigating Officer shall provide to each Member of the Disciplinary Committee a copy of the Complaint and of any written response received from the Respondent and all other relevant information arising out of the initial investigation.

6. The Disciplinary Committee shall convene (by the giving of no less than 30 nor more than 60 days' notice) a meeting of its members for the purpose of adjudicating on the Complaint; this meeting will be known as a 'Disciplinary Hearing'.

7. Notice of the Disciplinary Hearing shall be sent to the Complainant and the Respondent no less than 30 nor more than 60 days' of the Disciplinary Hearing date. This shall include invitation to:

a. Provide within 7 days before the Disciplinary Hearing, any further written submission regarding the complaint delivered to the Disciplinary Committee (not less than 7 days prior to the date as either the Complainant or Respondent wish to).

b. To attend and be heard (separately from each other) at the Disciplinary Hearing in response to the complaint. The Respondent may choose to be accompanied by one other person at the Disciplinary Hearing who may speak on the Respondent's behalf.

8. The Disciplinary Committee shall, after considering any submissions made by the Complainant, the Respondent, the Investigating Officer (and any other person invited to give evidence before it), create a written record of all such submissions and evidence, and shall at an adjourned meeting to be held no later than 14 days thereafter, decide by majority vote whether or not the Respondent is guilty of any breach of any UK EAPA policy, Standard or Code of Ethics.

9. In the event of an equality of votes, the Chair of the Disciplinary Committee shall have no casting vote and the Complaint shall be dismissed.

10. Within 7 days of the adjourned meeting, the Chair of the Disciplinary Committee will inform the Complainant and Respondent of any decision concerning a breach, any dismissal of the complaint and any action to be taken against the Respondent. Such action will be decided by the Disciplinary Committee and shall be one of the following:

- Reprimand (as worded by the Disciplinary Committee).
- Suspension of the Respondent from membership of UK EAPA for a period not exceeding two years from the date of conclusion of the adjourned Disciplinary Committee meeting.
- Immediate expulsion of the Respondent from UK EAPA. Here the Respondent shall not be allowed to become a member of UK EAPA again.

11. The Respondent shall have the right to appeal to the Chair of UK EAPA in writing within 21 days.

12. The Chair of UK EAPA shall consider the appeal and within 7 days reply to the Respondent to uphold or deny the appeal. Such decision shall be final and no further appeal shall be allowed, and the reasons for upholding or denying the appeal shall not be provided to the Respondent or Complainant.

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