



UK EAPA Complaints

Issued February 2022

Introduction

Every Member of UK EAPA 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).

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. If you decide to make a complaint, you'll need to tell us how you have tried to resolve the issue, or explain why this has not been possible. If no attempt has been made to resolve matters, it is unlikely that UK EAPA would accept the complaint.

What is a complaint?

A Complaint is a written expression of dissatisfaction, whether justified or not, from, or on behalf of, a person or organisation about the provision of, or failure to provide, EAP services or a redress determination, which:

- (a) alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience; and
- (b) relates to an activity of that respondent, or of any other respondent with whom that respondent has some connection in marketing or providing EAP services or products which comes under the jurisdiction of UK EAPA.

Please note that:

All complaints must be in writing and addressed to UK EAPA via our usual communication channels. We will not accept complaints made via social media or similar.

The complaint must clearly identify what/who and why the complaint refers to. Please note that anything you write to us could be disclosed to the respondent. You should also note that your complaint will need to be discussed and disclosed to our board members and other third parties we decide we wish to, in order to manage the complaint successfully.

You can make a complaint anonymously, but it can often mean that a complaint cannot proceed, or if it does proceed, has little chance of succeeding. This is because the respondent has the right to see the evidence against them and respond to it accordingly. Either coming forward or remaining anonymous is your choice, and we will discuss with you the implications of the decision to remain anonymous.

The complainant must provide written consent that will allow UK EAPA to investigate further if required. Without written consent from you, we will not proceed with a complaint.

It is important to note that any evidence submitted to us is done so on the understanding that it could be disclosed to the UK EAPA member about whom you are making the complaint, and that we cannot guarantee that, in the event such evidence is disclosed, your anonymity can be protected.

We will discuss this with you to determine what you want to do and how you wish to proceed. We will request your written permission to proceed onwards.

If a complaint has already been made to another professional association, it would not be appropriate to run two complaints processes at the same time. In the case where complaints are submitted simultaneously, we may decide to allow another process to complete first, and we may wish to talk to the other organisation about how best to proceed. If a complaint has been, or should be, made to a statutory authority then we will await the outcome of that process.

Please note that complaints relating to professional conduct and/or ethics made to other professional bodies will take precedence over UK EAPA complaints. We will decide if we will proceed with a complaint, following the conclusion of process by such other bodies.

Repeated complaints for the same or very similar issue will not be accepted by UK EAPA.

A complaint must be made within 12 months of the alleged incident or issue, or 12 months from when the complaint comes to the complainant notice.

We may be able to consider complaints if the person or organisation you're wishing to complain about is no longer a member of UK EAPA but was at the time your complaint covers. For this to happen, we have to decide that it would be in the public interest to pursue your complaint and that there was a reasonable chance of being able to gather evidence given that person is no longer a member.

Our complaint procedure:

- UK EAPA will acknowledge receipt of your complaint and contact you for further information if we think we need it.
- The complaint will be reviewed by us.
- For a complaint to be investigated the complaint must have a reasonable chance of success. We will decide this and let you know.
- If a complaint is to be investigated further, we will discuss this with you; a timescale for the investigation and response will be given to you.
- For a complaint to be investigated, the respondent must be able to see the complaint and evidence provided for the complaint.
- Following a complaint investigation, we will issue our findings and the response to complainant and respondent. We reserve the right to decide what action or sanction to apply, or to exclude a respondent from membership of UK EAPA for a period that we shall decide.
- The respondent may appeal any decision made by us, and this must be made in writing within 10 working days. The reason for the appeal must be made clear.
- UK EAPA shall decide whom shall review the appeal, this will not involve any person directly involved in investigating the complaint response being appealed.
- Should UK EAPA decide not to take a complaint further there will be no right to appeal.
- If a provider or person has received a number of improvement notices, UK EAPA may decide to take further action or sanctions against the respondent.
- UK EAPA's interpretation of its rules, standards and ethics shall remain final.
- The complaint will be processed in accordance with UK GDPR legislation