



Karuna Institute
International Training and Retreat Centre

COMPLAINTS PROCEDURE FOR TRAINEES AND STAFF

1. Principles and Intention

1.1. Karuna Institute's procedure for dealing with formal complaints is based on the values of respect, and open enquiry.

1.2. The principle that we are all interconnected means that complaints need to be addressed in the context of relationship, with an understanding both of harm caused in relationship and of the reparation of harm in relationship.

1.3. The principle of intrinsic health means that within the complaints procedure there is basic sanity, and that this is to be oriented by those conducting the procedure to support each individual and the relationships involved.

1.4. The intention of Karuna Institute's Complaints procedure is to provide a means of hearing each person, and through the process clarifying ways for relationships to be healed and for the individuals involved to be able to move on.

1.5. This procedure aims to bring impartial awareness to a situation that is felt or judged to be unacceptable, or unethical to someone, and to seek an outcome that is acceptable to all involved.

1.6. The approach will include opportunities for dialogue, enquiry and responsiveness, with processes for mediation, and formal hearings as needed, with the intention of restoration of relationship.

1.7. The ground rules of safety and confidentiality will be established and all who are involved will receive equal support and opportunities to name their position and feelings, to listen and to make informed choices throughout the process.

1.8. Key elements of good practice in the implementation of this procedure include self-responsibility, treating participants with courtesy and respect, giving clear deadlines to everyone and holding to them as boundaries, allowing feelings to be named and heard, and overall integrity and responsiveness.

1.9. Key ethical factors include impartiality, simplicity of form, protecting the privacy of all parties, giving attention equally to all parties involved, and accountability.

1.10. One of the consequences of registering a dispute is that it may be necessary to disclose information that would otherwise remain confidential. All documentation received during the process of a complaint is subject to The Data Protection Act.

2. Procedures for formal complaints

2.1. A complaint is one which alleges a violation of Karuna Institute's Codes of Ethical Principles and Practice, Complaints Procedure or Appeals Procedure. Professional incompetence also includes negligence due to incapability.

2.2. A formal complaint should be lodged within three years of the event which forms the substance of the complaint. Any complaint that refers to events outside this time-frame can be submitted with a cover letter clarifying the reasons for the late submission for evaluation by the Ethics Committee which will consider how any "out of time" complaints might best be addressed. Obviously it would be helpful to notify the Institute as soon as possible about a possible complaint against a trainee.

2.3. A complaint can be brought by a member of the public or by a member of Karuna Institute against a member of Karuna Institute. A "member of Karuna Institute" means a trainee Core Process or mindfulness based practitioner or a member of staff.

2.4. Any such complaint must be made in writing and addressed to the Directors of Karuna Institute who acknowledge the complaint and without delay forward a copy of the written complaint to the person complained against and to the Chair of the Ethics Committee.

2.5. Letters to the Institute and all procedural information sent from the Institute should be sent recorded delivery so that there can be no question about whether correspondence has been sent or received and post can be tracked.

2.6. Once the letter of complaint has been received, the Chair of the Ethics Committee then ascertains whether there are grounds for accepting the complaint. This decision is ratified by the Committee before any procedure is initiated. The Chair of Ethics will also confirm if it is appropriate that any complaint received follow this internal procedure, and not be redirected to UKCP to follow their Central Complaints Procedure.

2.7. A formal complaint is accepted when the following conditions are satisfied:

- a. the allegation is about a specific section of Karuna Institute's Codes of Ethical Principles and Practice, Complaints or Appeals Procedures.

- b. the member about whom the complaint is made is named and was a member of the Institute at the time of the alleged cause for complaint, i.e. was a staff member or trainee.
 - c. a written and signed complaint has been received by the Directors of Karuna Institute who have forwarded copies to the person against whom the complaint is being made.
- 2.8. The only forms of third party complaints which may be brought to Karuna Institute are :
- a. from a colleague who believes a member of Karuna Institute has acted in an unethical way and
 - b. from the representative of a vulnerable adult whose client is unable to bring a complaint him/herself, but gives permission for the representative to bring the complaint.
- 2.9. The Chair of the Ethics Committee is expected to complete this first stage of the procedure within three weeks. In certain circumstances, for example, when the members of the Ethics Committee are unavailable, this may take longer but in no case should the first stage take longer than six weeks.
- 2.10. The Chair of the Ethics Committee then invites the person against whom the complaint has been made to respond and informs the complainant of the possible procedures namely :
- a. to begin by following the Alternative Resolution Procedure or
 - b. to move straight to ascertaining whether there are grounds for a complaint of serious professional misconduct being considered.
- 2.11. Copies of the Institute's procedures are given to the complainant and to the person complained against.
- 2.12. Mediation is an intrinsic part of the Alternative Resolution Procedure, and wherever possible the preferred option within the formal complaints procedure. The Karuna Institute information about mediation is to be sent to all parties concerned.
- 2.13. If the complaint concerns alleged serious professional misconduct the only route open is the formal Complaints Procedure.

3. Complaints from Trainees

- 3.1. Trainees are invited to dialogue with their Year Tutor or the Chair of Faculty in the first instance in order to be informed about the different available pathways for addressing the issue. If the trainee chooses the Complaints Procedure, rather than the procedure for dealing with difficulties, disagreements and informal complaints, s/he should put the complaint in writing and address it to the Directors of the Institute, as indicated in 2.4. The Directors will clarify with the complainant whether this is a complaint concerning an individual (2.4 – 2.6) or the Institute as an organization (3.10).
- 3.2. If the complaint concerns an individual the complaint is then addressed in the manner outlined below except that if the matter cannot be resolved through this procedure, the External Moderator is kept informed throughout these and any subsequent procedures and/or asked to contribute to the process.
- 3.3. If after the complaints procedure has been completed the trainee is dissatisfied with the way it has handled the complaint, s/he can appeal to the HIPC Section of UKCP. This needs to be done within one month of receiving the final communication of the Complaints procedure. The final course of appeal is the HIPS College of UKCP.
- 3.4 **Complaints from Staff**
If the staff member chooses to bring a formal complaint s/he must make it in writing and address it to the Director as indicated in 2.4.
- 3.5. The complaint is then addressed in the manner outlined below except that if the matter cannot be resolved through this procedure, and if the complaint concerns a fellow staff member of the Institute or a trainee, the External Moderator is consulted and/or asked to contribute to the process.
- 3.6. **Complaints from clients about Trainees**
An Informal complaint from a client about a trainee should be addressed by the Director with the full knowledge of the Year Tutor concerned. If a client chooses to make a formal complaint s/he must make it in writing and address it to the Director as in 2.
- 3.7. The complaint is then addressed in the manner outlined above (2.4 to 2.13) except that if the matter cannot be resolved through this procedure, the External Moderator is consulted and/or asked to contribute to the process.

3.8. **Complaints from trainees or staff about Directors**

If a trainee or staff member chooses to bring a formal complaint, s/he must make it in writing and address it to the Chair of the Ethics Committee, who acknowledges the complaint and without delay forwards a copy to the person concerned and to the External Moderator. The procedures outlined above 2.4 to 2.13 are then followed and the External Moderator is kept informed throughout these and any subsequent procedures.

3.9. **Complaints against the Institute**

Any Informal Complaints must be addressed to the Directors who will offer appropriate procedures for addressing the issue(s) raised. Mediation will be the most appropriate procedure in most cases.

In the case of a Formal Complaint, it should be made in writing and addressed both to the Directors and to the Chair of Ethics, who will forward a copy immediately to the Institute's External Moderator. The External Moderator will take responsibility for ascertaining whether there are grounds for accepting the complaint and distinguish it from a complaint against staff or practitioners. His or her decision will be supported by a Committee chosen to comprise one person from another Psychotherapy Training organization and an appropriate layperson. This Committee will also serve as the "Enquiry Team" (see 5.1) if the procedure goes forward.

4. **Contextual Guidelines**

- 4.1. Complaints must be made in English with clear reference to specific breaches of the Codes of Ethical Principles and Practice where possible. Any language difficulties on the part of the complainant need to be communicated clearly to the Chair of the Ethics Committee for consideration in terms of procedural structures.
- 4.2. It is intended that the procedure should be concluded within twelve months of the receipt of the formal complaint, although it is recognized that in some complex cases it may be necessary to extend the period beyond this timescale if, for example, the procedure moves to appeal proceedings. In any cases where delays or timescale changes are involved, parties will be promptly informed and kept in touch of developments.

- 4.3. Those persons taking part in any stages of the Complaints Procedure as outlined below are required to act in a manner that shows respect, fairness and equality to all parties, and that does not breach confidentiality; also not to behave in any way that might prejudice or influence the outcome of any of the stages of the Complaints procedure. Any breach of this may result in the procedure being halted.
- 4.4. Any person invited to be involved in any stage of the procedure has a duty to declare any interests which might cause doubt on their impartiality.
- 4.5. The Chair of the Ethics Committee can, after consultation with The Directors, suspend some or all of the rights to practice, teach or train with immediate effect, pending further enquiry.
- 4.6. The complainant and the person against whom the complaint is made are informed of the names of people conducting the procedure to ensure there are no conflicts of interest through prior or existing relationships.
- 4.7. Complaints will be heard in the United Kingdom only. In the case of a complaint from abroad, the Chair of the Ethics Committee will determine whether the alleged situation occurred in the context of a Karuna Training, in which case the complaint can be considered (2.7).
- 4.8. **Resignation or Lapsing of Membership**

The termination of a practitioner's employment by the Institute or resignation of a member against whom a complaint is being made before the completion of the Complaints Procedure, without good reason or due notice, shall not necessarily impede or halt the progress of the complaint. However, in such cases and especially when the subject of the complaint is a member of UKCP, the Chair of the Ethics Committee may inform UKCP's Registrar.

5. Enquiry Stage

- 5.1. If the Chair of the Ethics Committee establishes that the complaint can be addressed by Karuna Institute and if the complainant is clear that s/he wishes to proceed with the formal Complaints Procedure then the Chair appoints three people as an "Enquiry Team" to enquire further into the matter to see whether or not there is a complaint of serious professional misconduct to answer.

- 5.2. The Chair of the Ethics Committee will not be a member of the Enquiry Team. The composition of the Team will have regard for the expertise available concerning the substance of the complaint; Team members will include at least one person from outside Karuna Institute, and possibly include one lay person (i.e. non-psychotherapist).
- 5.3. The Enquiry Team sends out requests for full information about the complaint to both parties, with a time deadline to return the material.
- 5.4. Together with the original letter of complaint and the response to that letter from the person complained against, this documentation is evaluated in terms of whether or not there is a complaint of serious professional misconduct to answer.
- 5.5. A concluding statement is sent to the Chair of the Ethics Committee and to both parties concerned.
- 5.6. If the decision is that there is no case to answer, the Chair of the Ethics Committee may, if deemed appropriate, suggest following a mediation procedure to support finding ways for restoring relationship and moving on.
- 5.7. Information will be given to both parties about Karuna Institute appeals procedures. If the complainant is unhappy with the decision of "no case to answer" s/he can appeal. If a case is closed at this stage, possible grounds for an appeal could be that the decision was, on the strength of evidence presented, unjust or unreasonable.
- 5.8. If new evidence arises once a case has been closed at this stage, there is the possibility of re-opening the case through the Appeals procedure.
- 5.9. If the Enquiry Team's decision is that there is not a case of professional misconduct to answer, but a Health issue to investigate further, the Chair of the Ethics Committee will appoint a "Health Working Party" to ascertain whether or not the person complained against is unfit to practice, teach or train due to a mental, physical or particular condition such as addiction.
- 5.10. The Health Working Party should include one medical practitioner/specialist in the relevant field and two members of the Institute.

6. Evaluation Panel Meeting

- 6.1. If the Enquiry Team's decision is that there is a case of serious professional misconduct to answer, the Chair of the Ethics Committee appoints a Complaints Committee to hold an Evaluation Panel Meeting to hear both parties' cases, to consult with them regarding ways forward and make recommendations to Karuna Institute regarding outcomes.
- 6.2. The Committee will be made up of one member of Karuna Institute, one external psychotherapist and one lay person. These cannot be the same people who were on the Enquiry Team.
- 6.3. Where there are several complaints against the same person, whether by the same or different complainants, they may be heard at the same meeting.
- 6.4. When appearing before the Evaluation Panel the complainant and respondent may be accompanied by a friend, or relative, for support.
- 6.5. If either party choose to be assisted in representing themselves by a lawyer, the other party and the Panel need to be informed of this at least a month prior to the meeting. The Panel may seek legal advice if appropriate. In extreme extenuating situations where the Enquiry Team judges that due to the nature of the complaint the complainant might be given the option to not meet the complained against, this needs to be a built-in possible format for the Panel Meeting. If this should be requested independently of the Panel by the complainant, such a possibility should be considered and a decision made that takes account of the complainant's position.
- 6.6. The failure of either party to attend without exceptional reason or due notice will result in the following : if the complainant fails to attend this means the complaint is deemed to be withdrawn. The Chair of the Complaints Committee will inform both parties to this effect, exonerating the person against whom the complaint was made.
- 6.7. If the respondent fails to attend, it is possible for the Panel to meet in the respondent's absence. The decision rests with Panel members. The reasons for considering this option are : the complainant might feel heard and responded to properly; a complaint that might not be so serious as to warrant suspension/removal from membership might be more effectively addressed.

- The Panel also has the possibility to recommend to the Directors the suspension/termination of membership of the person concerned. In the event of this recommendation being upheld, the Directors will inform the Governing Board of the UKCP and the member's name will be removed from the Register or, if the person is a trainee, the person will no longer be allowed to continue his/her Training and any other appropriate body will be informed.
- 6.8. The date is decided by the Chair of the Complaints Committee. There are at least 25 days between the Enquiry Team's Concluding Statement being received by both parties and the Meeting. The Meeting held is not open to the public.
 - 6.9. Both parties can prepare for the Meeting by collecting evidence supporting their position, as clarified for them by the Chair of the Committee. The Panel can allow and disallow any evidence to be heard: on the basis of what is acceptable in a Court of Law and also on the basis of relevance. Hearsay evidence may be excluded if no attempt has been made to verify it through direct evidence of fact. The Panel may also call for disclosure of evidence and if it is not disclosed, take that into account. All evidence must be in writing and not more than 3,000 words and available two weeks prior to the Meeting.
 - 6.10. The intention of the Panel Meeting is to enable both parties to speak and express their position, for both to be heard, and for clarity to be gained through the asking of questions and referring to documents. The Chair needs to have given all parties clear guidance beforehand on the time allowed for presentations.
 - 6.11. When the Chair is satisfied that the Panel has gained all clarification required and that both parties have had equal opportunities to present their position and be heard by the other, s/he summarises the case and asks all parties to withdraw.
 - 6.12. The Panel must decide for or against the complainant in each aspect of the complaint.
 - 6.13. The Chair of the Complaints Committee notifies the decision(s) of the Panel to both parties in writing within ten working days.
 - 6.14. S/he also notifies the Directors of the outcome of the Panel Meeting and makes required or recommended outcomes. The Directors will implement

- all required outcomes and have the choice to implement any recommended outcomes.
- 6.15. There are five possible outcomes (singly or together) of the Panel Meeting:
- a. To discharge the complaint and exonerate the respondent.
 - b. To warn the respondent (if the finding of misconduct is not serious).
 - c. To defer a decision in order to obtain further evidence.
 - d. To make continued membership of Karuna Institute conditional upon certain requirements as the Committee decides.
 - e. To suspend or expel the person from membership of Karuna Institute. In the event that the trainee is registered with UKCP as a training psychotherapist that person's name may be removed from the UKCP register
- 6.16. Under 6.15.d, possible requirements may include:
- a. a requirement to improve/change in a specific way various activities of the person's teaching/trainee practice under an approved supervisor or tutor for a specific period.
 - b. continued suspension of the person's teaching/trainee rights for a specific period until conditions specified by the Complaints Committee have been satisfied.
- 6.17. Following receipt of the Complaints Committee's decisions, the Chair of the Ethics Committee proceeds to clarify with each party ways forward which are re-integrative and restorative for themselves and their relationship.
- 6.18. Intentionality is central here and both parties will be encouraged to connect with their communities for support in going forward in their lives. Recognition will be given to the potential for healing through this procedure.

7. Outcomes

- 7.1 The Directors will inform the UKCP's Registrar of any outcome of upheld complaints.
- 7.2. Both parties will be informed of the appeals procedure available.
- 7.3. Either party may appeal against a sanction or decision of the Evaluation Panel by writing to the Chair of the Ethics Committee within fifteen days of notification of the findings. The Chair of the Ethics Committee will appoint an appeal Panel which may call on any of those involved in the dispute to reconsider the evidence presented to the Adjudication Panel.

The Appeals Panel will report their conclusions and recommendations to the Directors who will implement their decision, which will be final.

In the event of this procedure being unsatisfactory, either party can appeal to the HIPC College of UKCP within twenty eight days. Grounds for such appeal are as follows :-

- a. Where relevant new information has come to the attention of any party and could not have been presented previously;
- b. Where the Member Organisation's procedure was not followed or was incorrectly followed:
- c. Where a sanction is considered to be unreasonable/unjust;
- d. Where a decision is considered to be unreasonable/unjust.