

11. GPTI CODES OF ETHICS AND PROFESSIONAL PRACTICE

11.1 Code of Ethics and Professional Practice

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1. STATUS OF THIS CODE

- 1.1 This Code of Ethics and Professional Practice is an amended version of the Code published in the 2004 Handbook. In these Codes "Members" refers to Accredited and Trainee Members; they are bound by the conditions of their membership to work to the ethics and standards espoused in the Codes.
- 1.2 Ethical guidelines of the United Kingdom Council for Psychotherapy (UKCP) are incorporated in this Code.
- 1.3 Grateful acknowledgement is made to the British Association for Counselling for its responsible and comprehensive Code of Ethics and Practice for Counsellors, which considerably influenced the formulation of the original GPTI Code of Ethics and Professional Practice in 1994.

2. INTRODUCTION

2.1. The purposes of this code are as follows: -

- To provide a common frame of reference to which **Accredited and Trainee** Members of the Institute adhere in managing their responsibilities to clients, colleagues and the wider community.
 - To state the standards which Accredited and Trainee Members are required to maintain in their professional practice and to encourage optimal levels of practice.
 - To inform and protect clients, the public and professional associations seeking or using the services of members.
 - To provide a frame of reference for addressing ethical issues in relation to clients, colleagues and the wider community.
- 2.2. Applying this Code in situations of particular complexity requires Members to exercise careful judgement and to seek advice and support from senior colleagues and supervisors if they are not clear about how to deal with a professional dilemma. Despite conscientious and sensitive attention to resolving ethical dilemmas, it may not be possible to effect a resolution which is entirely satisfactory for all concerned.
- 2.3. The Institute has procedures to manage allegations of poor or unethical professional practice. If allegations of unethical practice are proven, sanctions, including suspension or withdrawal of membership, may follow.
- 2.4. As a Member Organisation of the United Kingdom Council for Psychotherapy (UKCP), the Institute is required to report to the UKCP Board the names of UKCP Members who have been suspended or expelled from GPTI.

3. THE NATURE OF GESTALT PSYCHOTHERAPY

- 3.1. Gestalt psychotherapy provides an opportunity for clients to increase awareness of themselves, their relationships with others and with the environment, and to develop their range of responses and choices.
- 3.2. The basis of Gestalt psychotherapy is to encourage clients' self support, personal responsibility and autonomy, whilst respecting their dignity and worth.
- 3.3 Gestalt psychotherapists work in a variety of settings; they work with individuals, couples, families, groups and organisations.

4. THE STRUCTURE OF THIS CODE

This Code is in two parts: -

- The Code of Ethics that sets out the fundamental values and general principles of gestalt psychotherapy.
- The Code of Practice that applies these values and principles in detail to the practice of gestalt psychotherapy.

The meaning of words in this Code:-

- “Should”, “recommend” and “advise” are used when the actions referred to are those considered representative of good practice whilst not being a current legal requirement nor an absolute requirement of membership.
- “Must” is used to refer to actions that Members of the Institute are obliged to take.

5. CODE OF ETHICS: FUNDAMENTAL VALUES

- 5.1 The relationship between client and psychotherapist is fundamental to Gestalt psychotherapy. Members need to acknowledge the power and influence inherent in the psychotherapeutic relationship, the likelihood that they may be recipients of numerous projections and that they, themselves, may project onto their clients out of awareness
- 5.2 GPTI acknowledges that it operates within an increasingly complex social environment and it values diversity and difference. GPTI also recognises the existence of oppression and discrimination, direct and indirect, inherent at every level within our society, which will inevitably be reflected in GPTI itself. Bearing this in mind, GPTI aims to treat all individuals who have links with the Institute with dignity and respect.
- 5.3 A clearly bounded relationship is seen as essential to the practice of psychotherapy; dual relationships with clients such as therapist/friend, therapist/supervisor, therapist/trainer and therapist/business colleague are considered unacceptable.
- 5.4 Clients' welfare is the foremost concern. Manipulation or exploitation of clients emotionally, sexually, financially, politically or in any other way for the benefit of the therapist or the benefit of others is considered unethical. (See 6.3.6 and 6.3.7)
- 5.5 A high value is placed on enhancing and respecting the choices made by clients. As part of this, importance is put on providing clear information, for discussion, on the terms and conditions in which a psychotherapy service is offered before engaging in ongoing psychotherapy with anyone.
- 5.6 The practice of awarding client material maximum confidentiality and providing clients with reasonable levels of privacy, within the work-context, is considered good practice. Any limitations on either of these should be clearly communicated to clients from the outset of psychotherapy.
- 5.7 Whilst clients' rights to agreed levels of confidentiality and privacy are valued, so are the fundamental rights to safety and life of the members of the wider community. Conflicts of conscience and interest between the welfare of clients and that of others may arise during the process of therapy; the psychotherapist's judgement, following supervisory and/or legal consultation where feasible, is used to balance the rights of the parties involved as best as is possible in the circumstances.
- 5.8 Ongoing supervision is seen as essential in maintaining ethical practice. It is also recognised that, at times, psychotherapy support is necessary to maintain competent practice.
- 5.9 Gestalt psychotherapists are sensitive to the field in which the therapeutic work is taking place. Supervision and, where relevant, dialogue with colleagues, is used to negotiate this contextual

field, which includes its structure and boundaries and also the aims that dominate the field, in order to ensure adequate support for competent practice. (Adapted from EAGT Codes)

- 5.10 The foregoing values and principles apply whether the psychotherapeutic work is undertaken in a voluntary or paid capacity.

6. CODE OF PROFESSIONAL PRACTICE

GPTI Accredited and Trainee Members must abide by the GPTI Code of Ethics and Practice and must be available to answer any questions concerning their practice, in the manner stated in the GPTI Regulatory Procedures.

6.1 Contracting with clients

- 6.1.1. Members are responsible for informing clients about their fees, cancellation procedures, availability, supervisory arrangements and the degree of confidentiality which they offer. This should be done before a commitment is made to ongoing psychotherapy. Any subsequent changes in the working contract should be negotiated beforehand.
- 6.1.2. All members must provide information about their qualifications, experience and membership of GPTI. They must indicate that they abide by the Institute's Code of Ethics and Practice and offer clients access to these. Trainee Members must inform all prospective clients of their professional status in the first interview.
- 6.1.3. Members are responsible for informing clients if they become aware of any relevant conflict of interest at the first interview or at any stage of psychotherapy.
- 6.1.4. Records (see 6.9.3 and 6.9.4) should include:
- client's name, address and telephone number
 - client's general practitioner's name, address and telephone number
 - details of client's current involvement with other professionals, including other therapeutic relationships
 - information about relevant health problems
 - a record of the clinical work
- 6.1.5. Members must take into consideration the right of clients to see those records particular to them, as described in the Data Protection Act, and should be mindful of this when recording information.
- 6.1.6. Where there are contractual arrangements with a third party, over the payment of therapy for example, Members must make a clearly separate contract with the third party. Any future re-negotiations would be conducted with the third party. Members should be aware that conflicts of interest may arise where a person other than the client pays for therapy. Any contract with a third party should therefore make clear that a Member's primary duty is to the client.

6.2 Clients' safety and confidentiality

- 6.2.1. Psychotherapists should aim to provide a working environment which, within the context in which the work takes place, offers maximum privacy to clients.
- 6.2.2. All client records must be kept under secure conditions to ensure privacy. (See 6.9.3)
- 6.2.3. When there is an adjunct medical aspect to the client's condition, Members should discuss with him/her whether to seek advice from their general practitioner or other appropriately qualified professional person. Members must obtain clients' permission before conferring with other professionals, unless there are exceptional circumstances. (See 6.1.1)
- 6.2.4. Except where permitted by law, Members must maintain confidentiality both during psychotherapy and after its completion. Any disclosure of information may be made only with

the client's written consent, unless there are overriding legal, safety or ethical considerations. Members should be aware that the disclosure of confidential information is permitted by law in limited circumstances. Where necessary, members should seek guidance from the Ethics Committee and/or legal advice

- 6.2.5. Should there be convincing evidence of serious risk or danger to a client, or to others, every effort should be made either to negotiate protective action by the client or to obtain the client's informed consent to protective action by the psychotherapist. Should neither of these outcomes be agreed, then the Member should be prepared to act without the client's consent, in order to prevent harm. The Member should be prepared to justify his or her conduct by reference to the law and any relevant guidance issued by the GPTI. (See 6.3.4 and notes on disclosures at end of document)
- 6.2.6. Information about clients must be regarded as confidential. Where disclosure is deemed to be necessary, this should be restricted to information that is pertinent to the situation. This applies whether the information is obtained directly from clients or by inference.
- 6.2.7. When a Member wishes to obtain relevant data about a client from other professionals or institutions, he/she must observe the rights of the client as regulated by the law. This also applies to the handling of written data regarding the client.
- 6.2.8. Members should ensure that personally identifying information about clients is not revealed in overlapping networks of professional relationships. Members should refrain from making trivialising comments about their clients in any setting.
- 6.2.9. Members must obtain clients' informed consent, in writing, to the making of audio or video recordings of psychotherapy sessions; any agreement with clients must make clear that the material may be disclosed in limited circumstances – for example, where required by a court order. Members should consider the implications of power differentials and transference dynamics when discussing recording with clients. Reference may be made to the value of recordings for maintaining and enhancing the quality of service. Information given must include the following:
 - ◆ the client's free choice, and options to revise any agreement made, at any time in the future
 - ◆ the purposes for which the audio or video tape is intended and the circumstances in which it would be used
 - ◆ assurance that the material will be heard only within the context specified and by professional colleagues bound by the same rules of confidentiality
 - ◆ client control over the material; any requests for recordings to be deleted must be respected
- 6.2.10. Should Members wish to have their work with a client observed, this must first be discussed and written consent obtained, on the understanding that the client has the right to withdraw this at any time.
- 6.2.11. When Members are unable to keep an appointment because of illness or other unforeseen events, they should whenever possible make appropriate provision for the care of clients.
- 6.2.12. Members must make provision for clients to be informed in the event of their serious incapacity or death and must inform clients, in advance, of the manner in which the records relating to them will be handled in these circumstances. Other considerations are the ongoing care of clients; appropriate management of confidential files and tape recordings of sessions; the procedures necessary for the closure of one's practice in a responsible, ethical and sensitive manner and the nomination of an appropriate person to take these matters forward on the Member's behalf, where necessary.
- 6.2.13. Members should consider their personal moral stance and legal duty of care in the case of receiving information about children and vulnerable adults at risk of harm. Initial contracts must clearly state these responsibilities and make clear the circumstances in which the Member will disclose information which would otherwise be treated as confidential.

6.3 The client-psychotherapist relationship

- 6.3.1. Members are responsible for working in ways that promote their clients' self-agency and affirm and enhance their capacity to make creative choices and changes in response to their evolving needs, circumstances, values and beliefs.
- 6.3.2. Members must ensure that no person is discriminated against or denied access to services on the basis of his/her disability, race, gender, sexual orientation, social class, age, nationality or religious affiliations. [See GPTI Equal Opportunities Policy and relevant Acts such as the Disability Discrimination and Race Relations Acts]
- 6.3.3. Members should provide regular opportunities for clients to review the terms of the psychotherapeutic contract and the progress of psychotherapy.
- 6.3.4. Members do not usually act on behalf of their clients. They may decide to do so if requested specifically by their client or in other exceptional circumstances. (See 6.2.5)
- 6.3.5. Members are responsible for setting and maintaining the boundaries of the therapeutic relationship. The professional relationship with clients must be managed ethically and respectfully in any circumstances where the client and psychotherapist meet outside the context of the professional relationship.
- 6.3.6. Members should be aware of the powerful influences of transference and counter-transference and the potential for exploitation in the psychotherapy relationship. They must not exploit their current or past clients financially, politically, emotionally, sexually, physically or in any other way. Members must not manipulate clients in order to benefit other persons, groups or organisations.
- 6.3.7. Physical contact in the therapeutic process is exclusively orientated to the welfare of the client and requires special professional reflection and care. In the handling of physical contact in the therapeutic process, the consent of the client is of primary importance, but by no means the only important factor to be considered. Sexual contact of any kind with current or past clients is considered to be unethical.
- 6.3.8. Decisions about ending psychotherapy are the responsibility of both client and psychotherapist. Should the Member's professional assessment of when to end not accord with the client's assessment, the Member should facilitate closure in ways that allow for an acknowledgement and discussion of that difference and an honouring of the client's views. If Members recognise that they are not working effectively with a client, they must inform the client and facilitate termination and, if appropriate, an onward referral. These negotiations should be managed responsibly and with due care and attention for the client's well-being.

6.4 Members' self-care and competence to work with clients

- 6.4.1. Recognition of limitations is an important aspect of competency. Members must actively monitor the limits of their competence through their own psychotherapy, supervision and consultative support. They should work within their limits and if in doubt consult about the advisability of working with a particular client or client group. Where necessary, they should make appropriate referrals.
- 6.4.2. Members have a responsibility to themselves and their clients to maintain their own effectiveness, resilience and ability to practise effectively. They must monitor their own personal functioning, seek help and/or withdraw from psychotherapeutic work temporarily or permanently when their personal resources are so depleted as to warrant this. Members should not work with clients when their capacity is impaired due to emotional difficulties, illness, alcohol, medication or any other reason. They should make appropriate referrals if necessary.
- 6.4.3. Trainee Members must obtain the agreement of their training consultant and supervisor to work with clients.

- 6.4.4. Members should take all reasonable steps to ensure their own physical safety when they engage in psychotherapy work.
- 6.4.5. Practising Members must obtain professional indemnity and public liability insurance for the protection of their clients and themselves. Members are advised to obtain adequate cover for any legal action taken against them or against the owners of premises in which they work.
- 6.4.6. Trainee Members must be in regular personal psychotherapy during training unless otherwise agreed with their training consultant. Other Members are required to have access to psychotherapeutic support where necessary to support and challenge their professional effectiveness.

6.5 Supervision

- 6.5.1. The purposes of supervision are to provide a supportive and challenging context within which psychotherapists discuss their work, and to maximise effectiveness. Members are responsible for arranging the form and frequency of supervision appropriate to client contact hours and experience. Trainee Members must comply with the ratio of supervision to client contact hours, as specified in their training contract. It is unethical for Members to practise without regular supervision.
- 6.5.2. When presenting work for the purposes of supervision, members must respect the boundaries of confidentiality agreed with their clients.
- 6.5.3. Members and their supervisors are responsible for ensuring that the main focus of their discussions is purposeful and pertinent to the psychotherapist's work with clients.
- 6.5.4. Members should ensure that their supervisor is not also their psychotherapist.
- 6.5.5. Members who are employed by an agency or organisation are responsible for maintaining a clear boundary between concerns they take to their line manager and psychotherapeutic issues they take to clinical supervision.

6.6 Advertising and public statements

- 6.6.1. Advertising by Members must be confined to their name, address and telephone number, an accurate description of the service offered, fees, training, status, qualifications and membership of professional organisations. All reasonable steps must be taken to honour undertakings given in publicity material.
- 6.6.2. Pre-contract and Trainee Members must not imply qualified status that they do not possess and must always describe their membership status in full. A Trainee Member must not describe himself or herself as a 'psychotherapist' or 'gestalt psychotherapist', unless granted that title elsewhere. Members must not describe themselves as affiliated to an organisation in a manner which inaccurately implies sponsorship or authorisation by that organisation.
- 6.6.3. Testimonials must not be included in publicity material. Statements which imply services superior to those provided by others must not be made.

6.7 Research

- 6.7.1. Members must obtain clients' informed, written consent to the presentation or publication of case material to colleagues, for training, research or educational purposes. Clients must be informed that they have the right to withdraw their consent and to specify the conditions under which they agree to the material being used. When using case material, members must always ensure that their client's identity is protected by changing biographical and other identifying details.

6.7.2 When engaged in research in relation to their psychotherapeutic work, Members must conduct this in ways which are respectful, legal and ethical throughout. They should use their data accurately and restrict their conclusions to those compatible with their methodology.

6.8 Responsibilities to GPTI colleagues and other professional groups

6.8.1 Members should conduct themselves in ways, which promote public confidence in psychotherapy. Reference made to, or about, other psychotherapists or professionals should not be made with the purpose or likely outcome of demeaning the other.

6.8.2 If a Member has experienced the unethical conduct or below-standard professional practice of another Member, he or she has a professional obligation to raise the matter in the manner described in the Institute's Regulatory Procedures

6.8.3 If a Member learns through another party of the below-standard professional practice or unethical conduct of another Member, he or she must raise the matter, as a special and allowed form of third-party allegation, in the manner described in the Institute's Regulatory Procedures. If the information is acquired within a confidential relationship, the Member should seek consent of the client. Where this is not possible, or consent is refused, the Member should seek further advice and should consider whether disclosure is ethically and legally justifiable. P

6.8.4 If a Member perceives that another Member is no longer fit to practice for reasons of deteriorating health, he or she must respectfully alert that Member to the fact and to his/her responsibility to withdraw from practice. Failure of the Member to withdraw from practice would require further action as set out in the Institute's Regulatory Procedures.

6.8.5 Members should not accept someone as a client who is already the client of another psychotherapist, unless both psychotherapists agree that this is appropriate.

6.8.6 It is normal practice to acknowledge referral of a client from a colleague or other professional.

6.8.7 Members should accept their part in exploring and resolving conflicts of interest between themselves, the Institute and other agencies, especially where this has implications for clients.

6.9 Responsibilities in law

6.9.1. Members must work within the legal framework of the part of the United Kingdom in which they practice, and within that of the European Court of Human Rights.

6.9.2. It is the responsibility of Members to be conversant with the legal implications of their psychotherapeutic work.

6.9.3. Records whether hand-written or stored on a computer are subject to statutory regulations under the Data Protection Act 1998 and subsequent revisions. Anyone holding records as in 6.1.4 has, by law, to register with the Data Commissioner. Members may need to obtain the consent of clients to the transfer of their personal data to another organisation in the event that the practice is closed down

6.9.4. Members would be advised to adopt an appropriate policy regarding the retention of records having considered such factors as relevant legal limitations (e.g. Data Protection Act), the nature of the risks involved, the purposes for which the records would be retained and the periods, as stipulated in GPTI, or relevant other, Regulatory Procedures, in which allegations may be brought.

6.9.5. Members must report to the Executive Council of the Institute if they become the subject of any criminal proceedings or any civil proceedings brought against them in relation to their work as psychotherapists

- 6.9.6. Members may be obliged to involve the police where they become aware that a crime has or will be committed, and in some circumstances Members will be legally obliged not to inform the client that they are so doing. Members should seek supervisory and legal advice in all of these circumstances.
- 6.9.7. A Member should not generally disclose personal information to a third party such as a solicitor, police officer or officer of a court without the client's express consent, except in limited circumstances. Members should request that any such third party confirms the basis on which the request for information is made and then seek advice from the Ethics Committee and/or legal advice. Members are advised that they can be called before a court to speak to a report that they have provided.
- 6.9.8. Members should take care to maintain a balance between the therapeutic contract and any applicable legal and employment obligations in cases of abuse or serious lack of care involving minors and vulnerable adults.

NOTES

Disclosures:

Disclosure of personal information without consent may be justified in the public interest where failure to do so may expose the client or others to risk of death or serious harm. Where the client or others are exposed to a risk so serious that it outweighs the client's privacy interest, you should seek consent to disclosure where practicable. If it is not practicable to seek consent, you should disclose information promptly to an appropriate person or authority. You should generally inform the client before disclosing the information. If you seek consent and the client withholds it you should consider the reasons for this, if any are provided by the client. If you remain of the view that disclosure is necessary to protect a third party from death or serious harm, you should disclose information promptly to an appropriate person or authority. Such situations arise, for example, where a disclosure may assist in the prevention, detection or prosecution of a serious crime, especially crimes against the person, such as abuse of children.

In the event of an allegation being lodged against a Member, the contract for confidentiality changes in order to allow all parties to present their cases. Members may consider including this fact in their initial contract.

Where circumstances allow, you should seek advice from the Ethics Committee and/or and appropriately qualified legal adviser as to whether, in such circumstances, disclosure can be justified before the law and the Institute. Ultimately, only the courts may determine whether a disclosure was justified. However, GPTI may also ask you to justify your decision if a complaint is made. If there is clear consent from the client to the proposed disclosure, it is likely to be permitted. However, queries generally arise where the circumstances do not fall neatly within the anticipated circumstances.

These pages will be regularly reviewed. Any suggestions for modification of the Code of Ethics and Professional Practice should be sent to the Chair of the Ethics Committee.

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12. REGULATORY PROCEDURES

12.1 Introduction to GPTI Regulatory Procedures and Processes

12.2 Preliminary Proceedings Procedure

12.3 Procedure for Allegations of Unethical Professional Misconduct

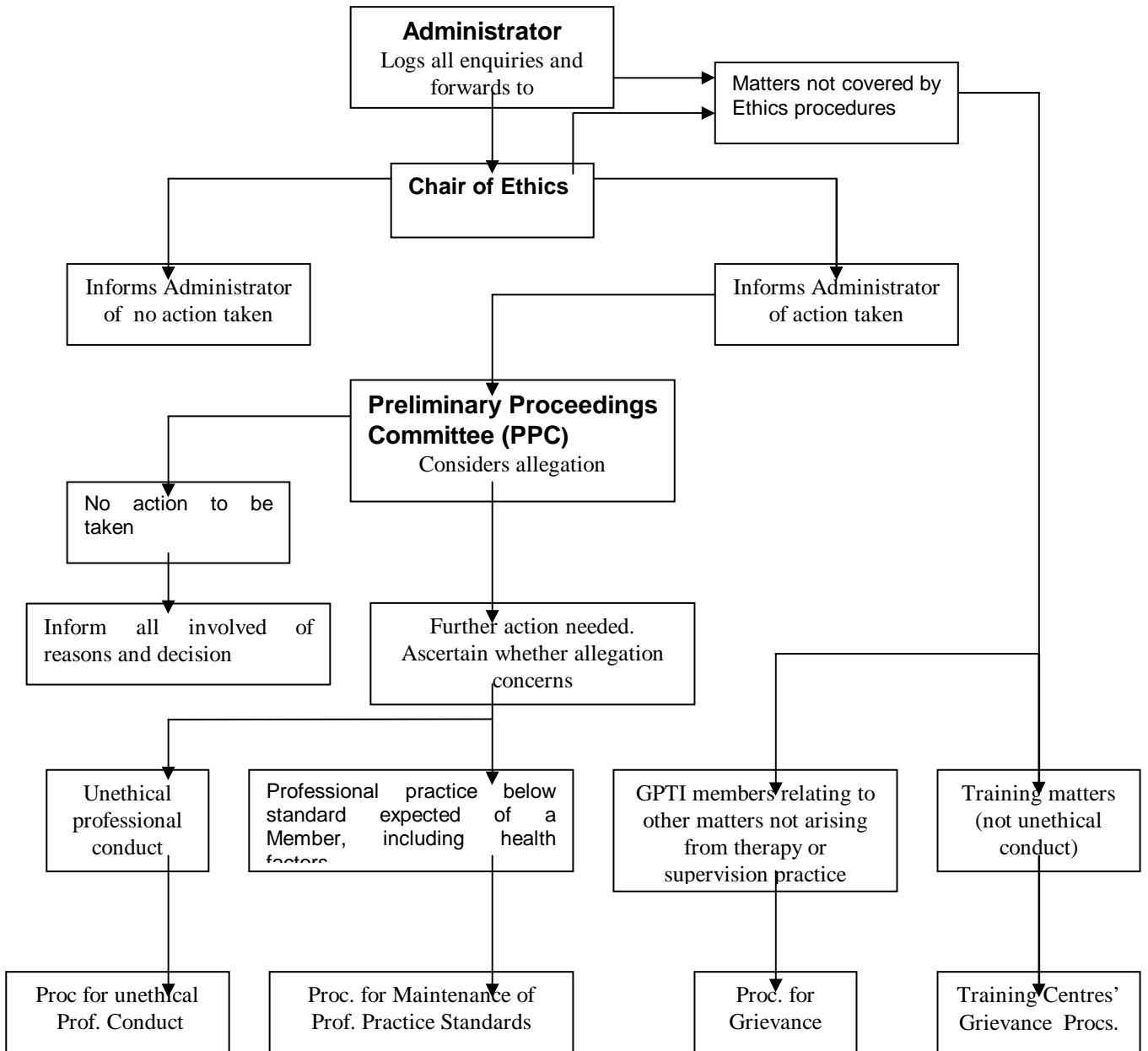
12.4 Procedure for the Maintenance of Professional Practice Standards

12.5 Grievance Procedure

12.6 Appeals Procedure

Map for Processing Allegations via GPTI Regulatory Procedures and Processes

GPTI Codes of Ethics and Professional Practice set the ethical and professional standards for Members of GPTI. Anyone wishing to make an allegation against a Trainee or Accredited Member will first contact the Administrator.



12.1 Introduction to GPTI Regulatory Procedures and Processes

The GPTI Regulatory Procedures and Processes are to be used to address allegations concerning the conduct of Trainee and Accredited Members of GPTI only.

Introduction:

1. The management of the Regulatory Procedures and Processes of GPTI will be carried out with the specific intention of giving regard to the rights and dignity of all persons involved, irrespective of age, disability, gender, nationality, race, religious affiliations, sexual orientation, or social class. [See GPTI Equal Opportunities Policy and relevant Acts such as the Disability Discrimination and Race Relations Acts]

Intra-Organisational Lines of Management:

1. The Executive Council delegates authority to the Chair of the Ethics Committee, with the support of the Committee, to manage the Regulatory Procedures. The Chair of the Ethics Committee is accountable to the Executive Council in relation to the manner of the carrying out of the delegated tasks, but not in relation to specific outcomes. Providing that the Executive Council is satisfied that the regulatory processes have been conducted according to the stated procedures of GPTI, it will ratify the final outcome.
2. The Chair of the Ethics Committee may make exceptions to the timings and processes stipulated in the Regulatory Procedures providing these can be justified and do not interfere with a fair hearing and outcome. The Chair of GPTI will be informed of the outcomes arising from each stage in the Regulatory Procedures and will be included in discussions on any proposed procedural exceptions. The Chair of the Ethics Committee may consult external advisors at any stage of the Procedures.
3. If the Chair of the Ethics Committee has concerns about the workings of any Panel convened to undertake a Procedural task, then s/he will consult with the Ethics Committee and the Chair of the Executive Council as to the advisability of convening a new Panel.
4. In the event of an allegation being made against a member of the Ethics Committee in relation to his/her professional practice, the Chair of the Executive Council holds responsibility for the management of the processing of the allegation. In these circumstances the Chair of the Executive Council will appoint someone to take the matter forward.

The Relevance of GPTI Codes of Ethics

1. The GPTI Codes of Ethics and Professional Practice for Psychotherapists, Supervisors and Trainers reflect the current views of that which constitutes ethical and professional practice. The Codes will be reviewed and revised, from time to time, in the light of experience and further developments in the practice of psychotherapy, supervision and/or training.
2. All Trainee and Accredited Members of GPTI are required to abide by the GPTI Codes of Ethics and Practice appropriate to the task they are undertaking. It is acknowledged that, when faced with an ethical dilemma, practitioners sometimes have to choose which item of a Code to follow in preference to another; in such circumstances practitioners are advised to seek professional consultation to assist them to make choices that they can defend before a body of peers.
3. An allegation can only be made against a Member if s/he were an Accredited or Trainee Member of GPTI at the time of the alleged breach(es). The allegation will be based on the particular Code of Ethics and Practice of GPTI in force at the time of the alleged breach(es). The Regulatory Procedures used to process an allegation will be those current at the time of the allegation being made.

GPTI Regulatory Procedures:

1. Allegations against Accredited or Trainee Members will be considered by GPTI. They may be brought by a GPTI Member or by a member of the public, in relation to a Member's psychotherapy, supervision and/or training practice.
 - 1.1 The Ethics Committee may not accept an allegation if
 - it is submitted anonymous
 - it has previously been formally Investigated
 - it has already been the subject of a formal Investigation and Adjudication by GPTI or other organisation
 - it is the subject of a current investigation in another organisation/setting
 - 1.2 The Chair of the Ethics Committee will suspend the Procedure at the end of the Preliminary Proceedings where relevant civil or criminal proceedings are contemplated or underway. The process may be continued at the cessation of the civil or criminal proceedings.
2. If a Member learns through another party of the seriously below-standard professional practice or unethical conduct of another Member, he or she is required to raise the matter, as a special and allowed form of third-party allegation, with the Chair of the Ethics Committee.
3. If a Member perceives that another Member is no longer fit to practice for reasons of deteriorating health, he or she is required to respectfully alert that Member to the fact and to his/her responsibility to withdraw from practice. Failure of the Member to withdraw from practice would require further action as set out in 1.10 above.
4. If a Member, who is the subject of an Allegation, withdraws from membership mid- process, the allegation will continue to be processed in accordance with these Regulatory Procedures. If the person making an allegation subsequently withdraws the allegation or from the regulatory processing of it, the Chair of the Ethics Committee will decide whether to appoint a GPTI Member to take the matter forward as a special and allowed form of third-party allegation.
5. The Preliminary Proceedings Committee will consider all allegations made in order to decide upon the nature of the allegation and, in the light of that decision, which is the appropriate procedure or process to manage the matter.
 - 5.1 Allegations that are considered to be, potentially, cases of serious professional misconduct will be dealt with via the GPTI Procedure for Allegations of Unethical Professional Conduct. Cases of serious professional misconduct are those in which the allegation centres on an issue which, if proved, would cause GPTI to question the psychotherapist's right to membership.
 - 5.2 Allegations that centre on lapses in the expected standard of practice will be dealt with via the GPTI Procedure for the Maintenance of Professional-Practice Standards.
 - 5.3 Allegations that centre on the conduct of Members whilst carrying out the business of GPTI, will be dealt with via the GPTI Grievance Procedure
 - 5.4 Allegations on fees, training and assessment matters will be managed within individual Training Centres, via their own Grievance Procedures.

The Time-Limits in which to Make a Formal Allegation

1. GPTI Procedures stipulate the time-limits in which allegations can be formally lodged. If an allegation is based on a series of incidents, the time-limit period begins on the date of the last of the incidents.
2. Other than in exceptional circumstances, the time limit within which an allegation of unethical professional conduct may be made is five years from the time of the alleged misconduct.

3. The time-limit within which an allegation can be made concerning lapses in the expected standard of practice of a Member, or concerning a Member's fitness to practice due to health factors, is one year from the alleged lapse.
4. The time-limit within which an allegation can be made concerning Grievances and Training Grievances is two years from the alleged grievance.

Appeals

1. There is a right of appeal to GPTI within each procedure, but both the timing and grounds for appeal vary according to the procedure is being used.
 - ❑ The Preliminary Proceedings Committee Procedure provides for an appeal if that Committee were to decide that an allegation did not warrant being taken forward for further investigation.
 - ❑ The GPTI Procedure for Allegations of Unethical Professional Conduct provides for an appeal after both the Investigation and Adjudication stages.
 - ❑ The GPTI Procedure for Maintenance of Professional-Practice Standards has no provision for an appeal.
 - ❑ The GPTI Grievance Procedure provides for an appeal after both the Investigation and Adjudication stages.
 - ❑ On completion of the Training Grievance Procedures of each of the Training Centres, there is provision for an appeal to GPTI.
2. When an appeal is heard by GPTI, via its own Appeals Procedure, following the outcome of the GPTI Procedure for Allegations of Unethical Professional Conduct, there remains a further avenue of appeal, to UKCP, providing the Member being held to account is a UKCP Registrant via registration through GPTI membership.

The Place of Mediation

1. Mediation is offered on the completion of the GPTI Procedure for Maintaining Professional Practice Standards. It may also be utilised as part of the GPTI Grievance and Training Grievance Procedures.
2. Mediation is not part of the GPTI Procedure for Allegations of Unethical Professional Conduct; it is only offered, in the case of an allegation of this nature, after all formal investigations have been completed.
3. Mediation is a means of ensuring that parties who hold differing views of the same event can be facilitated to hear the other's views. It does not imply reconciliation. It need not mean face-to-face contact. It does involve both parties being open to listening to the other's version and opinion of events, within a structured setting.
4. Often a person who is concerned about a practitioner's or colleague's behaviour, wants to take action in order to ensure that the practitioner/colleague considers the consequences of his/her practice, learns from this, and alters his/her future practice. In this way the concerned and/or aggrieved person can feel satisfied that s/he has played his/her part in deterring poor practice. Mediation is an effective way of doing this, as learning is achieved most effectively in a situation in which the likelihood of an automatic impulse to defend is reduced.
5. The practitioner/colleague for his/her part can find, in mediation, a forum for communicating with a concerned and/or aggrieved client, supervisee, trainee or colleague in order to address any errors or misunderstandings that s/he believes has occurred. Mediation is one way of conveying a professional willingness to reflect on practice and to be open to question.
6. Persons having a concern about the professional practice of a Member of GPTI, other than one that rests on evidence of unethical professional practice, are strongly recommended, in the first

instance, to meet with the other person involved to discuss, on an informal basis, the concerns held.

7. In the event of failure to reach a satisfactory resolution, both parties may put in writing to the Chair of the Ethics Committee, a request for the assistance of mediators to address the issue between them (See Guidelines for Mediation) or may instead, by-pass mediation and submit her/his concern as a formal written allegation to be dealt with via the Regulatory Procedures of GPTI.

Confidentiality

1. Everyone involved in the processing of an allegation, of whatever kind, is expected to limit any talk about it to that which is necessary to fulfil the procedural requirements and to obtain necessary advice and support. This measure is to safeguard the interests of everyone concerned.
2. When an allegation is being heard, it is possible that the person making the allegation and the Member alleged against will need to disclose confidential information about themselves in order to clarify perspectives.
3. The Chair of the Executive Council and the Council are kept informed of the progress of a Complaint but are not given the name of the parties involved.
4. Only in exceptional cases, such as a sanction requiring that a Member's name and the judgement of the Adjudication be published to the membership/public, or a Member's membership being withdrawn, will the person's identity be revealed beyond to the GPTI Administrator and those people managing the procedure.

Support Considerations

1. The Regulatory Procedures of GPTI offer a means by which Members are accountable to the public and peers and, through which, Members can answer allegations made against them.
2. When using any of the Regulatory Procedures and Processes of GPTI, different subjective views of the same events are likely to be presented. Members, who act on behalf of GPTI in the management of allegations, are likely to be faced with complex issues, often involving conflicting ethical values. On such occasions there might be no one right outcome, in which case a way has to be found which honours the experience of both parties as fully as possible and is consistent with fairness.
3. All parties involved in any of the stages of the Regulatory Procedures and Processes of GPTI will be impacted by the experience.
4. It is important that the person making the allegation gets support to explore her/his position, to discuss any evidence and to consider what is wanted from the proposed action. An informal discussion with one of the members of the Ethics Committee, a therapist, or a supervisor may be of help.
5. It is important that any Member, when faced with an allegation made in relation to his/her practice, obtains support for him/herself throughout the process. With sufficient support, such as that provided by one's supervisor, the Member will be better able to speak to and reflect on his/her practice.

Following this introduction, please refer to the GPTI Preliminary Procedure

Contact Details:

The Chair of the Ethics Committee
GPTI
PO Box 2555
Bath BA1 6XR

Tel: 01225 482135
Email: gpti@ukhome.net

Other contact details that might be useful:

UKCP (UK Council for Psychotherapy)
2nd Floor, Edward House, 2 Wakley
London
EC1V 7LT

Tel: 0207 7014 9955
Fax: 0207 7014 9977

ukcp@psychotherapy.org.uk

Witness (Against Abuse by Health and Social
Care Workers)
32-36 Loman Street
London
SE1 OEE

Helpline 0845 500 300
Admin: 020 7922 7799
info@witnessagainstabuse.org.uk

12.2 Preliminary Proceedings Procedure

- 1** In conducting the following procedure, care will be taken to ensure that no person is discriminated against or denied access to services on the basis of his/her disability, race, gender, sexual orientation, social class, age, nationality or religious affiliations. [See GPTI Equal Opportunities Policy]
- 2 Making a formal allegation**
 - 2.1 A person wishing to formalise an allegation against a Trainee or Accredited Member of GPTI should telephone the offices of GPTI and inform the Administrator of his/her intention. The Administrator will supply the person with a copy of GPTI Regulatory Procedures, log the call and notify the Chair of the Ethics Committee of the situation.
 - 2.2 If the person bringing the allegation wants further advice on how to proceed, s/he may enter into correspondence with the Chair or any member of the Ethics Committee.
 - 2.3 A formal allegation must be put in writing by letter (not sent electronically) and submitted to the Chair of the Ethics Committee.
 - 2.3.1 The written submission should include a clear account of the particular behaviour of the Member that forms the basis of the allegation, and should include only those facts relevant to the allegation.
 - 2.3.2 Clear and specific statements should be made in relation to each item of the Code of Practice that the complainant alleges has been breached.
 - 2.3.3 It is important that the allogger includes all known substantiating evidence available at the time of submission. Evidence which is available at the time of submission but not submitted at that time will not be accepted at a later date.
 - 2.4 All correspondence for the Chair of the Ethics Committee is first received by the Administrator and then forwarded to the Chair of the Ethics Committee.

The Preliminary Proceedings Committee

- 2.5 Within 3 days of receipt of an allegation, the Chair of the Ethics Committee will
 - 2.5.1 write to the person making the allegation to confirm receipt of it.
 - 2.5.2 send the Member-alleged-against
 - 2.5.2.1 notification of the lodging of an allegation against him/her
 - 2.5.2.2 and the name of the person so doing
 - 2.5.2.3 a copy of the allegation
 - 2.5.2.4 the Code of Ethics and Practice current at the time of the alleged behaviour.
 - 2.5.3 a copy of the Preliminary Proceedings Procedure will be sent to both parties.
- 2.6 The Chair will convene a Preliminary Proceedings Committee to consider the allegation within 10 days of receipt of the allegation
 - 2.6.1 The Preliminary Proceedings Committee (hereafter referred to as "the PPC") will consist of one lay person and those members of the Ethics Committee who have no disqualifying acquaintance with either party to the allegation.

- 2.6.2 Should the members of the Ethics Committee all, or mostly, be ineligible to be on the PPC, the Chair of the Ethics Committee will appoint persons suitable to the task; the number will never be less than three persons, one of whom will always be a lay person.
- 2.6.3 The members of the PPC will have a minimum of two years of post-graduation experience.
- 2.6.4 The task of the PPC, at this stage, is to decide
 - 2.6.4.1 whether the allegation arises from the Member's practice being out of line with the standards as set out in GPT Policies or Codes of Ethics and Professional Practice, current at the time of the alleged behaviour, and if so,
 - 2.6.4.2 which Policy and Code is relevant to the allegation, in which context did the behaviour occur and, therefore, which of the Regulatory Procedures of GPTI will be used to process it.
- 2.7 Following its deliberations, the Preliminary Proceedings Committee will decide either, that
 - 2.7.1 the allegation is not accepted, or
 - 2.7.2 the allegation is accepted and will be processed via the GPTI procedure identified and nominated as the most appropriate to the said allegation. i.e. the Procedure for Allegations of Unethical Professional Conduct; the Procedure for Maintaining Professional Practice Standards; the Grievance Procedure or the Training Grievance Procedure of a GPTI Training Centre.
- 2.8 From hereon, the Chair of the Ethics Committee will use the procedure recommended by the Preliminary Proceedings Committee to process the allegation.
- 2.9 The person making the allegation may appeal against a decision by the PPC. In this instance, the Chair of the Ethics Committee will appoint a new Preliminary Proceedings Committee and the allegation will be considered again, as set out above. There is no right of appeal following the outcome of a second Preliminary Proceedings Committee.

12.3 Procedure for Allegations of Unethical Professional Conduct: March 2005 *[Complaints Procedure of March 2004]*

These procedures are only to be used to address allegations of serious (gross) professional misconduct by Trainee and Accredited Members of GPTI* . .

1. Introduction

The Executive Council delegates authority to the Chair of the Ethics Committee, with the support of the Committee, to manage the Complaints Procedures. The Chair of the Ethics Committee is accountable to the Executive Council in relation to the manner of the carrying out of the delegated tasks, but not in relation to specific outcomes. Providing that the Executive Council is satisfied that the process has been conducted according to the stated procedures of GPTI, it will ratify the outcome once the matter has been concluded.

The Chair of the Ethics Committee will keep the Chair of GPTI informed of the outcomes arising from each stage in the Complaints Procedure. The Chair of the Ethics Committee may also consult external advisors at any stage of the Complaints Procedure.

If the Chair of the Ethics Committee has concerns about the workings of any Panel convened as part of the Complaints Procedure, then s/he will consult with the Ethics Committee and the Chair of the Executive Council as to the advisability of convening a new Panel.

In the event of a Complaint being taken out against a member of the Ethics Committee in relation to his/her professional practice, the Chair of the Executive Council holds responsibility for the management of the Complaint. In these circumstances substitute Executive Council for Ethics Committee and Chair of the Executive Council for Chair of the Ethics Committee, throughout this document.

The GPTI Codes of Ethics and Professional Practice reflect the current views of what constitutes ethical and professional practice. The Codes will be reviewed and revised, from time to time, in the light of experience and further developments in the practice of psychotherapy and supervision.

All Trainee and Accredited Members* of GPTI are required to abide by the GPTI Codes of Ethics and Practice. It is acknowledged that, when faced with an ethical dilemma, practitioners sometimes have to choose which item of the Code to follow in preference to another. It is important that practitioners seek professional consultation in such circumstances and make choices that they can defend before a body of peers.

A Complaint against a full Accredited Member or Trainee Member may be brought by another Member, or by a member of the public, in relation to her/his personal experience of that Member's psychotherapy and/or supervision practice. (For any matters relating to the organisational business of GPTI refer to the Grievance Procedure.)

A Complaint can only be brought against a Member if s/he were a Member* of GPTI at the time of the alleged breach(es). The Complaint will be based on the particular Code of Ethics and Practice of GPTI in force at the time of the alleged breach. Other than in exceptional circumstances, the time limit within which a Complaint may be made is five years from the time of the alleged breach(es). If the complaint is about a series of incidents the five-year period begins on the date of the last of the incidents. A Complaint is heard using the most current version of the GPTI Complaint Procedures.

In these Complaint Procedures a formal Complaint is one that is judged to have arisen from allegations of serious infringements of the GPTI Code of Ethics and Practice, involving serious (gross) professional misconduct. In order to address failures in good practice that do not constitute serious (gross) professional misconduct, refer to the GPTI Procedures for addressing allegations of MFGP.

The following Complaints Procedure is intended to provide a structure for the presentation of facts and points of view, an impartial investigation of these and, where warranted, a fair hearing of the disputed facts. There are two main stages:-

- An Investigation: this is undertaken by a Panel appointed by the Chair of the Ethics Committee and made up of members of the Ethics Committee and one lay-person. This Investigation Panel will ascertain whether there is sufficient evidence to justify the Complaint going forward to the adjudication stage of the procedure.

- ❑ An Adjudication: this is undertaken by an Adjudication Panel appointed by the Chair of the Ethics Committee and made up of one lay person, one psychotherapist from an independent UKCP Member Organisation and two or three senior psychotherapists from GPTI. The Panel considers all the gathered evidence in order to decide whether to uphold a Complaint and, where necessary, what sanctions to impose. Should the Adjudication Panel decide that the alleged behaviour, as specified in the Complaint, is not a case of serious (gross) misconduct but is one of Minor Failure(s) in Good Practice, then the Panel may specify a sanction appropriate to that finding.

A Complainant may appeal against the outcome of an Investigation (see 2.7) and both parties to a Complaint may appeal against the outcome of the Adjudication (See Appeals Procedure).

Time-limits are set for the stages of the proceedings and the whole procedure, from the receipt of the written complaint should take no longer than 6-7 months, providing no appeals take place. In the case of unforeseen circumstances that interfere with the schedule or practice of the Complaints Procedure, the Chair of the Ethics Committee may adjust the schedule to ensure that the process continues in a way that is both fair, effective and in the interests of justice. In such circumstances, the Chair will keep the Chair of the GPTI Executive Council, and both parties to the Complaint, informed of any changes. If the Chair of the Ethics Committee is unavailable he/she will appoint a Deputy to take forward procedures within agreed time-scales.

Anyone who is involved in the Complaints Procedure is required to avoid action or disclosure that might unduly influence or prejudice the procedure or the outcome of the Complaint. All those having responsibility for managing a Complaint should regard all material in relation to Complaints as confidential. Material refers to the specific allegations and the names of the parties, and does not include the fact that a Complaint has been lodged or which item of the Codes of Ethics and Practice is allegedly breached. Everyone involved in the process, including advisors and supporters, should bear in mind the laws of libel and slander.

The resignation of a member of GPTI shall not be allowed to impede the process of any Investigation as long as the alleged offence took place during that person's membership. The Chair of Ethics will notify the Chair of the Executive Council of the outcome of any Investigation, and may take the Complaint forward to Adjudication or close the case. In the latter instance, the Member who has withdrawn will be informed by the Chair of the Executive Council that in the event of any future application for membership by him/her, the application will first go before the Executive Council. If the Executive Council accept him/her into membership the closed case will be re-opened and will progress to the next stage.

The Ethics Committee may not accept a Complaint if it is anonymous or if there is sufficient evidence that the matter has been formally investigated and not found to warrant an adjudication; if it has been both formally investigated and heard by an adjudication panel; or if it is the subject of a current investigation in another organization/setting. The Chair of the Ethics Committee will suspend the Complaints Procedure at 2.6 where relevant civil or criminal proceedings are contemplated or underway. The process may be started again at the cessation of the civil or criminal proceedings.

GPTI may seek advice from UKCP, HIPS and/or other relevant organizations/persons at any time. The complainant and Member complained against may seek such support and consultation from an adviser and/or supervisor as is required.

GPTI is not responsible for expenses incurred by either party to a Complaint. The Member complained against is to meet the cost of compliance with sanctions.

Going through any stages of the Complaints Procedure may be very stressful for the complainant and Member complained against. Different subjective views of the same events are likely to be presented. Members acting on behalf of GPTI at hearings of complaints are likely to be faced with complex issues. In cases that do not involve gross professional misconduct, these complex issues may sometimes involve a conflict of ethical values. On such occasions there might be no one right outcome but, instead, a need to find a way through which honours the needs of both parties as fully as possible and which is consistent with fairness.

2. Procedures

Where there is a complaint of serious (gross) professional misconduct or negligence made against a Trainee or Accredited Member of GPTI, the complaint must be put in writing and submitted to the Chair of the Ethics Committee of GPTI.

The written submission should include a clear account of the behaviour complained about, with relevant facts and substantiating evidence/views where possible. Clear and specific statements should be made in relation to the item(s) of the Code of Practice that the complainant alleges has been breached. It is important that the complainant includes all evidence available at the time of writing. Any evidence available to the complainant and not submitted at the time cannot be submitted at a later date.

When the Chair of the Ethics Committee receives a formal Complaint alleging serious professional negligence or misconduct, he/she will write to the complained-against Member to give notification of the fact, enclosing a copy of the Complaint, and to invite her/him to respond to the Complaint, in writing, within 28 days. In order that both parties to the Complaint can inform the Chair of any boundary issues, they will also be sent the names of those who are to carry out the Investigation.

Once the Chair of the Ethics Committee has received a response from the complained-against Member, s/he will send the other party a copy of the response. The Chair will appoint an Investigation Panel and provide the members with copies of both the Complaint and response to it, and the Panel will begin its investigation. To do this the Panel members will take all reasonable steps to gather the information needed in order to draw a conclusion; this can include asking for clarification and/or further information from either party.

The Investigation Panel will meet within 38 days of the receipt of the response and, following the completion of the investigation, the Panel may conclude that

- the Complaint cannot be supported (See 2.7)
- the Complaint cannot be supported but, in the light of evidence presented, recommend the use of the Procedures for Addressing Minor Failures in Good Practice as the way forward
- there is sufficient evidence to support the Complaint proceeding(see 2.8)

Within 5 days of reaching its decision, the Chair of the Panel will inform the Chair of the Ethics Committee of the outcome of the Investigation. The Ethics Committee Chair will send a letter to the Complainant and complained-against Member to tell them of the decision reached and to provide details of the grounds on which the decision was made.

If some, or all, of the Complaint is not accepted, then the complainant may appeal. The written appeal should be submitted to the Chair of the Ethics Committee within 28 days from the postage date of the letter informing him/her that the Complaint has not been accepted. An Appeal can only be accepted on provision of additional relevant information that could not have been presented earlier, and which the Ethics Committee believes throws new light on the original complaint. The process from 2.3 –2.6 is then followed again. Following the expiry of the period for appeal or following an Appeal, the procedure will continue as from 2.8 below.

If all of the Complaint is accepted, the Chair of the Ethics Committee will inform both parties of the specific allegation(s) being accepted and provide details of the grounds on which the decisions were made. The Chair will request that each party submits, within 21 days, his/her final summary of the case to be presented, along with a list of any witnesses to be called and notification of any hearsay evidence to be presented. The Chair will also provide a list of those people available to adjudicate the case and indicate the proposed date, time and place of the Adjudication. Within 7 days of the information being sent, both parties to the allegation must confirm that they will be attending the Adjudication at the time and place specified and inform the Chair of any disqualifying boundary issues they have with those named as available to adjudicate.

Once the Chair of the Ethics Committee has received notification from both parties of any boundary issues and confirmation of attendance at the Adjudication, and resolved any hindrances with these, s/he will appoint a Panel consisting of members as in 1.10 above and, within 7 days of this, notify all parties to the Adjudication of the agreed date, time, venue and membership of the Panel.

Care will be taken to ensure that Panel members have no previous close, personal or professional relationship with either party to the Complaint, and whenever possible, that a member of equal seniority and experience to the member complained against is included in the Panel. Both parties may object to

the appointment of a Panel member if they have clear grounds for thinking that his/her presence may prejudice the outcome. No person may take part in more than one Panel within any one Complaint.

The Chair of the Ethics Committee will appoint one of the Panel members to be the Chair. The Chair of the Adjudication Panel will take responsibility for managing the Adjudication; ensuring that the proceedings are audio-taped; keeping the tape until such time as the Complaint and any Appeal process is concluded; providing the final report to the Chair of the Ethics Committee on the outcome of the Panel.

The Complainant and the person complained against each have the right to nominate one adviser/supporter to attend the Adjudication. Advisers/supporters do not have a role in speaking directly to the Panel. If the complainant is not a Member of GPTI, then s/he may request that a Member be nominated as adviser/supporter. The Chair of the Panel will pay attention that no advisor/supporter is prejudicial to a fair Adjudication.

Once the final case submissions have been received, the Chair of the Ethics Committee will forward all relevant documentation with regard to the Complaint to the Adjudication Panel and, at least 15 working days before the Adjudication Panel meets, provide the parties to the Complaint with copies of the other party's case submission. Any additional submissions (2.14) must reach the Chair of the Ethics Committee no later than 8 days before the Adjudication. These will then be forwarded to the other party and the Panel. Later submissions may be included at the discretion of the Chair of the Panel.

The Panel can allow any evidence, oral or written, direct or hearsay, and whether or not it would be admissible in a court of law. Hearsay evidence is permitted only if the Panel is satisfied that reasonable steps have been taken to obtain direct evidence of the facts sought to be proved by the hearsay evidence. The intention to use hearsay evidence must be given when the case summaries are first presented (see 2.8). It cannot be introduced for the first time at the Adjudication.

The Adjudication Panel may invite people to attend the Adjudication to clarify aspects of their written submissions. The Adjudication is private to the Panel, the complained-against Member, the complainant, and those invited as supporters or advisors, (2.12) or called as witnesses.

It is the responsibility of the person calling a witness to arrange for his/her attendance at the Adjudication. In addition, it will be the responsibility of the person calling the witness to arrange an interpreter if necessary.

The Complainant and the person complained against are required to be present during the Adjudication. If the Complainant fails to attend without reasonable cause, in the opinion of the Chair of the Ethics Committee, the Complaint will be deemed to have been withdrawn and may not be re-submitted.

An Adjudication will proceed as follows:

- ❑ the opening statement by the complainant, followed by the opening statement of the complained-against
- ❑ the complainant and the complained-against will call, in turn, his/her witnesses and question each. The other party is then able to question the witness. After this, the party calling the witness may question her/his witness again.
- ❑ the Panel may ask questions at the completion of the parties' questioning.
- ❑ the closing statement of the Complainant followed by the closing statement of the complained-against.

If the Member complained against fails to attend the Adjudication without reasonable cause, his/her membership will automatically be suspended. The Chair of the Panel will notify the Chair of the Ethics Committee of the facts. The Complaint may be put in abeyance or taken forward.

The Chair of the Ethics Committee will inform the Executive Council of the suspension and the reasons for it. The Executive, if satisfied that procedures have been correctly followed, will ratify the suspension and the Member's membership will be said to be withdrawn. If the person complained against is a UKCP registrant, the Chair of the Executive Council will notify UKCP of the withdrawal of membership, leading to loss of the person's UKCP registration through membership of GPTI.

The Adjudication Panel can:

- ❑ allow an adjournment of the hearing if it feels it to be necessary or appropriate.
- ❑ request the disclosure of any documents subject to the rules of law. The Panel will request this only when it reasonably believes it is necessary for the Adjudication to be fair. Failure to disclose documents can be taken into account by the Panel

- ❑ subject to these procedures, regulate its proceedings as the Chair of the Panel thinks fit.

The Adjudication Panel may make a decision by a simple majority vote by its members. In the case of a tie, the Panel Chair will have the casting vote.

When the Panel has finished its consideration of the Complaint, it will produce a written report. The report will set out the Panel's decision, giving clear explanations for the conclusions drawn. The options before the Panel are:

- ❑ the Complaint is not upheld in any respect
- ❑ the Complaint is upheld in some, or all, respects.
- ❑ the Complaint is not upheld but the lesser charge of Minor Failure(s) in Good Practice has been considered and is upheld.

A Complaint will be upheld, and sanctions imposed, when an Adjudication Panel has concluded that there is evidence of either:

- ❑ a relevant conviction in a criminal court
- ❑ serious professional negligence, ie. practice that falls seriously below the standard expected of a competent practitioner
- ❑ serious professional misconduct, ie professional practice that falls seriously below the standard expected of a competent practitioner and which includes a serious violation of ethical conduct.
- ❑ a relevant conviction following from a disciplinary hearing in another setting
- ❑ behaviour bringing GPTI, UKCP or the psychotherapy profession into disrepute.

If the complaint is upheld, the Adjudication Panel's report will include a statement as to which item(s) of the Code of Ethics and Practice is deemed to have been breached and a statement on the sanctions being imposed and any time-scales for these. The Panel may recommend any of the following options:

- ❑ to defer to obtain further evidence
- ❑ to require the Member to have further supervised practice; practice limited to certain settings, clients or client groups; further training in a particular area.
- ❑ to remove the Member from GPTI, which by default would mean that he/she could not be a UKCP registrant via his/her membership of GPTI.
- ❑ to rectify or make redress.
- ❑ where the Panel does not uphold the Complaint but does find evidence of minor failure(s) in good practice, to warn the Member to cease working in a particular manner.

The Chair of the Adjudication Panel will send the written report to the Chair of the Ethics Committee, within one week of the Adjudication. All material held by the Panel will be returned, un-copied, to the Chair of the Ethics Committee by recorded delivery.

Within one week of receiving the report, the Chair of the Ethics Committee will forward copies to the Chair of the Executive Council, the Complainant and the person complained against.

Either party to the Complaint may submit written notification of intention to Appeal to the Chair of the Ethics Committee. This must be received by GPTI within 14 days of the notification of the Adjudication Panel's decision. (Refer to the Appeals Procedure for grounds of Appeal). No sanctions will come into force until all Appeals procedures have concluded or until the end of the period within which an Appeal is allowed.

If an Appeal is not lodged within the time-scales specified above, the Chair of the Ethics Committee will present the conclusions of the Adjudication Panel to the Executive Council for ratification.

The Chair of the Ethics Committee will monitor compliance with any recommendations made, and/or sanctions imposed, and will inform the Executive Council when they have been met in full. The Chair of the Ethics Committee will notify the Executive Council of any Member's failure to comply with sanctions.

Failure to comply with sanctions may result in withdrawal of membership. Notification of withdrawal or suspension of membership will be published to the membership of GPTI and, should the member be a registrant of UKCP, then the Chair of the Executive Council will inform the Registration Board of UKCP within 28 days.

Following completion of all procedures, all original material relating to a Complaint is sealed and retained in the office of GPTI for ten years. After that time a decision will be made by the Chair of the Ethics Committee and the Chair of the Executive Council as to whether the material should be destroyed.

Contact Details:

The Chair of the Ethics Committee
GPTI
PO Box 2555
Bath BA1 6XR

Tel: 01225 482135
Email: gpti@ukhome.net

Other contact details that might be useful:

UKCP (UK Council for Psychotherapy)
2nd Floor, Edward House, 2 Wakley
London
EC1V 7LT

Tel: 0207 7014 9955
Fax: 0207 7014 9977

ukcp@psychotherapy.org.uk

Witness (Against Abuse by Health and Social
Care Workers)
32-36 Loman Street
London
SE1 OEE

Helpline 0845 500 300
Admin: 020 7922 7799
info@witnessagainstabuse.org.uk

12.4 GPTI Procedure for the Maintenance of Professional Practice Standards

This Procedure is used to address professional practice issues and is seen as one avenue in the continuing professional development of Members. As such, the emphasis is on supporting Members to reflect on practice, so as to maintain and achieve standards acceptable to the Gestalt Psychotherapy & Training Institute and the wider psychotherapy community.

Allegations identified by the Preliminary Proceedings Committee as allegations concerning the professional practice standards of Accredited or Trainee Members will be addressed using the Procedure below. (See "Introduction to GPTI Regulatory Procedures")

On concluding that an allegation does arise from concerns about professional practice standards, the Preliminary Proceedings Committee will elect from within, a member to act as Lead in taking the allegation forward.

Members of the Preliminary Proceedings Committee, who are eligible to consider the allegation, will form the "Professional Practice Standards Committee"; the Committee will always include one lay person. The person elected as Lead will be Chair of the Committee.

In conducting the following procedure, care will be taken to ensure that no person is discriminated against or denied access to services on the basis of his/her disability, race, gender, sexual orientation, social class, age, nationality or religious affiliations. [See GPTI Equal Opportunities Policy]

Procedure

1. Within 7 days of the Professional Practice Standards Committee forming, the Chair will send the Member-alleged-against
 - 1.1 copies of the current Introduction to the GPTI Regulatory Procedures and the GPTI Procedure for the Maintenance of Professional Practice Standards
 - 1.2 a letter requesting that the alleged-against Member reply to the allegations, in writing, within 28 days of the postage date of the letter. The Member may
 - 1.2.1 refute the allegation(s), wholly or in part, and provide substantiating evidence where possible
 - 1.2.2 concede the allegation(s), wholly or in part, and provide clarification and/or explanation of the events and evidence of any learning achieved
 - 1.3 Also within 7 days of the Professional Practice Standards Committee forming, the Chair will write to the person making the allegation to request that s/he submit all supporting evidence within 28 days of the postage date of the letter.
2. The Chair will call a closed meeting of the Professional Practice Standards Committee to be held within 28 days from the date set for receipt of material as set out in 1.2 and 1.3
 - 2.1 Both the allegor and alleged-against will be notified of the date of the meeting.
3. The Chair will forward copies of the allegation and submissions to the members of the Professional Practice Standards Committee. They will have 2 weeks in which to request any information and/or clarification, considered necessary for a fair hearing of the evidence.
4. The Professional Practice Standards Committee will consider the submissions from both parties and weigh up the evidence provided, before making its conclusions. These may be
 - 4.1 there is no evidence of professional practice being below the standard considered acceptable to GPTI and the wider psychotherapy community.
 - 4.2 there is evidence of professional practice below an acceptable standard in some, or all, of the areas alleged.
 - 4.3 the full evidence presented indicates that the matter may possibly be one of Unethical Professional Conduct, in which case the matter will be referred to the Chair of the Ethics

Committee to be taken forward as a special and allowed third-party allegation via the Procedure for Allegations of Unethical Professional Conduct

5. Within 5 days of the meeting the Chair of the Committee will report in writing, to the Chair of the Ethics Committee, on the conclusions reached and the reasons behind these.
 - 5.1 the Chair of the Ethics Committee will provide both parties with a copy of the report
 - 5.2 a copy of the findings will be stored with GPTI as set out in the GPTI Protocol for the Storage and Disposal of Completed Regulatory Procedures and Processes
 - 5.3 in the event of the Professional Practice Standards Committee finding evidence of professional practice below an acceptable standard in some, or all, of the areas alleged, this fact will be registered with GPTI; this is for information and is not a sanction. (See 7. below)
6. There is no right of appeal on the findings of the Committee; the process of considering the immediate allegations rests here.
7. In the case of a Member being found, for the 3rd time in a period of 5 years, to be practising below the professional standards as required by membership of GPTI, her/his continuing below-standard practice will be taken forward as a special and allowed form of third-party allegation of Unethical Professional Conduct. The allegation will be that the Member is failing to maintain his/her practice to acceptable professional standards of practice as delineated in the Codes of GPTI. The Chair of the Ethics Committee will appoint an Accredited Member of GPTI to pursue an investigation of the allegation on behalf of GPTI. In these circumstances, the Investigation stage of the Procedure will focus on a review of the current practice of the Member.

12.5 GRIEVANCE PROCEDURE, 2004

Status of this document

The Grievance Procedure was approved by the membership at the AGM on 1st July 2001. The evolutionary nature of this procedure is acknowledged and it will be reviewed in the light of experience. Please address any comments/suggestions for amendments to this procedure to the Chair of the Executive Council.

In this document, the term **Party** is being used to denote any/all of the following: GPTI member, trainee, employee, committee, Executive Council or GPTI the organisation, and the term **Grievance** is being applied to disputes concerning breaches of contracts or agreements between Party and Party within GPTI. In the event of the Grievance being taken out against the Executive Council, throughout the document substitute Ethics Committee for Executive Council and Chair of Ethics for Chair of Executive.

1. Introduction

The Executive Council is responsible for managing Grievances. The Chair of GPTI is consulted at all stages of management of Grievances and may consult external advisers at any stage of the Grievance Procedure.

- 1.1 The abiding principles in managing Grievances are those of justice and fairness to all parties.
- 1.2 The following procedures are intended to provide a forum for communication, presentation of points of view, investigation, reconciliation and redress, in which all Parties concerned in a Grievance can feel supported and heard. Potentially there are four stages: 1) a Facilitated Meeting between the Party bringing the grievance and the Party against whom it is brought 2) a formal Adjudication Panel of three members 3) A Disciplinary Panel, 4) a formal Appeal.
- 1.3 Both Parties to the grievance are required to be present during the adjudication. If the Party bringing the grievance fails to attend, without reasonable cause in the opinion of the Chair of GPTI, then the grievance will be deemed to have been withdrawn and it may not be re-submitted. If the Party against whom the grievance is brought fails to attend without reasonable cause, then their membership will be suspended. If the Party against whom the grievance is brought withdraws from membership whilst a grievance is pending or in process, the Executive will decide whether to proceed. In either case, if the Party wished to rejoin GPTI, the Executive would first be consulted. In the event of a resumption of membership, any outstanding Grievance would be taken up again.
- 1.4 Care will be taken to ensure that Panel members have no previous close, personal or professional relationship with either Party to the Grievance, and whenever possible, a member of equal seniority and experience to the Party against whom the Grievance is brought will be included in Panels. Both Parties may object to the appointment of a Panel member if they have clear grounds for thinking that his or her presence may prejudice the hearing. Members of the Ethics Committee may take part at the Facilitation stage and in formal Panels, provided the other criteria for membership are met.
- 1.5 Time-limits are set for each stage of the proceedings, and the whole procedure from the informal stage, excluding the period for Appeal, should take no longer than 6-7 months. The Chair of the Executive Council is responsible for keeping all parties informed as to the progress of the procedure. Unforeseen circumstances which interfere with the normal running of the Grievances Procedure are referred promptly to the Chair of GPTI Executive Council, who has the power to act to ensure that the process continues in a way which is both fair and effective and is seen to be so. When it is not possible to adhere to these boundaries, then all reasonable steps will be taken to arrange alternatives as soon as possible. In situations of unavoidable delays the Chair of the Executive Council will inform all Parties to the Grievance. If the Chair of the Executive Council is unavailable, he/she will appoint a Deputy to take forward procedures within agreed time scales.

- 1.6 The Party against whom the Grievance is brought must have been a Member or employee of GPTI at the time of the alleged breach of contract. The time-limit within which a Grievance may be made is one year from the time of the alleged breach of contract.
- 1.7 A Grievance may be brought by a Member, trainee, or employee of GPTI, about their allegations of the other Party's breach of contract, agreement or ethical code not related to a member's psychotherapy practice.
- 1.8 If a Grievance against an ex-member is not completed, it will be processed to clause 2.4 of the Grievances Procedure. If the Grievance is accepted, then the ex-member is informed that in the event of his/her membership being resumed, then the grievance will progress to the next stage.
- 1.9 The Executive Council may not accept a Grievance if there is sufficient evidence that the issue is being investigated, or has been thoroughly investigated, by another relevant organisation. The Executive Council will suspend the Grievances Procedure at Clause 2.4 when relevant civil or legal proceedings are contemplated or proceeding.
- 1.10 Anyone who is involved in the Grievances Procedure is required to avoid any action or disclosure which might be seen to unduly influence or prejudice either the procedure or the outcome of the Grievance. Material in relation to Grievances should be treated with regard to the laws of libel and slander, and should not become the subject of idle gossip. Such material should be regarded as confidential by all people who have responsibility for managing it in any capacity.
- 1.11 Following completion, all material relating to a Grievance is sealed and retained in the office of GPTI for 10 years, and may be destroyed after that time following consultation between the Chair of the Executive Council and the Chair of the Ethics Committee.
- 1.12 Consultation with UKCP, HIPS and/or GPTI's solicitors and other advisers may be sought at any time by GPTI. It is accepted that both Parties to the Grievance may seek consultation and support.
- 1.13 GPTI will not be responsible for expenses incurred by either Party involved in a Grievance. The Party against whom the Grievance was brought meets the cost of compliance with sanctions.
- 1.14 Going through any stages of the Grievances Procedure may be very stressful for both parties. Different subjective views of the same events are likely to be presented. Members acting on behalf of GPTI at Hearings of Grievances are likely to be faced with complex issues which may sometimes involve a conflict of values. On such occasions there may be no one right outcome but instead, a need to find a way through which honours the needs of both Parties as fully as possible and is consistent with justice.

2. Procedures

- 2.1 Anyone who has a Grievance is strongly recommended to discuss this informally with the Party concerned, in the first instance, and to seek support from their local Training Institute to provide third-party facilitation if necessary. If they are unable to resolve the issue, they may request the Chair of the Executive Council to appoint two people as mediators to assist them to find resolution. This meeting will be arranged by the Chair of the Executive Council to take place within 28 days of receiving the request. The mediators will be acceptable to both Parties, skilled in conflict resolution and may be either members of the Ethics Committee or Accredited members from either GPTI or another UKCP Member Organisation. In circumstances where such a meeting may be potentially harmful, either Party may request, with supporting arguments, to omit this stage of the Grievances Procedure. The Chair of the Executive Council will decide if it is appropriate to move straight to the formal stage.
- 2.2 In the event of the failure to reach a satisfactory resolution of the Grievance through facilitation, or the decision to proceed to the next stage, the person with the Grievance may make a formal written statement of his/her grievance and send it to the Chair of the Executive Council within 14 days of the informal meeting.

- 2.3 The Grievance should include a clear account of the breach of contract complained about, with relevant facts and substantiating evidence/views where possible.
- 2.4 The Executive Council will consider whether to accept the Grievance within 28 days, either at their next meeting or by telephone conference, and come to a decision as to whether there is a case to answer. Unless the Council decide to seek consultation, the Chair will notify the Party making the Grievance of the Council's decision, within five days of the meeting.
- 2.5 If the Grievance is not accepted, then the Party with the Grievance may appeal. The written appeal should be submitted to the Chair of the Executive Council within twenty-eight days from the postage date of the letter informing him/her that the Grievance has not been accepted. An appeal can only be accepted if additional relevant information is provided which the Executive Council believes throws new light on the original Grievance.
- 2.6 If the Grievance is accepted, the Party making the Grievance will be notified of this. At the same time, a copy of the written Grievance will be sent to the Party against whom it has been lodged, and that Party will be expected to send, within 28 days of receipt, a written response to the Grievance to the Chair of the Executive Council This will then be forwarded to the Party making the Grievance.
- 2.7 The Chair of the Executive Council will arrange an adjudication within 8 weeks of accepting a grievance. A panel of three Members will be appointed. This will consist of two experienced accredited members of GPTI and one accredited member from another UKCP Member Organisation.
- 2.8 The Party making the Grievance and the Party against whom it is made, will each have the right to nominate one adviser/supporter who would be available during the Adjudication. Advisers/supporters do not have a role in speaking directly to the Panel. Members of the legal profession or a Trade Union may be consulted and may be present during the adjudication in a purely supportive role. They will not be able to make any direct representation to the Panel. Both Parties have the right to object to the choice of adviser/supporter should they have good reason to believe that their presence could be prejudicial.
- 2.9 The Adjudication Panel may invite people to attend the adjudication to clarify aspects of their written submissions. Otherwise, the adjudication is private to the Panel, the Party bringing the Grievance and the Party against whom it is brought, and any of their appointed advisors/supporters (See 2.8)
- 2.10 All relevant documentation with regard to the Grievance will be forwarded, subject to the agreement of both Parties, to the Adjudication Panel. The Chair of the Executive Council should receive additional submissions no later than eight days before the adjudication. These will then be forwarded to the other Party and the Panel. Later submissions may be included at the discretion of the Chair of the Panel.
- 2.11 The Chair of the Adjudication Panel will take responsibility for ensuring that the adjudication is audio-taped and that the recording is kept safely until such time as the Grievance process is concluded, when it will be erased. No copies or other recordings are made.
- 2.12 Within 28 days of the hearing the Chair of the Adjudication Panel will send a written report to the Chair of the Executive Council who, within five working days of receipt, will forward copies of the report to both Parties to the Grievance.
- 2.13 The report should include the Panel's comments in support of its findings, and the preferred outcomes of both Parties. The Panel's concluding options are: that the matter has been resolved to the reasonable satisfaction of all Parties; that no further action be taken; that the Grievance is not upheld in any respect; that the Grievance is upheld in some, or all, respects.
- 2.14 All written material held by the panel will be returned, uncopied, to the Chair of the Executive Council by Recorded Delivery. If the grievance is upheld in any respect the Chair of the Executive Council may appoint a Disciplinary Panel to decide appropriate sanctions (see Disciplinary Procedures).

- 2.15 The report will be considered by a Disciplinary Panel, comprised of three Accredited Members of GPTI, different from those who were on the Adjudication Panel. They will meet either face to face or by telephone conference within fourteen days of receiving the report and will send their recommendations to the Chair of the Executive Council within five days. Suspension or withdrawal of membership may be recommended in cases of serious professional misconduct. Decisions about the Disciplinary Panel's recommendations, and other actions subsequent to the adjudication, rest with the Executive Council. The Party against whom the Grievance has been made will be notified about any sanctions they are required to fulfil, and the time scales for completion of these, within fourteen days of the Executive Council's next meeting.
- 2.16 Disciplinary Panels should stipulate time scales by which sanctions should be completed. The Executive Council is responsible for monitoring this process.
- 2.17 Failure to comply with sanctions may result in withdrawal of membership. Notification of withdrawal or suspension of membership will be published to the membership of GPTI and will be notified to HIPS and the Registration Board of UKCP within 28 days.
- 2.18 Either Party to the Grievance may appeal to GPTI against the outcome of the hearing or adjudication. A decision to appeal should be received by GPTI within fourteen days of the date of the notification of the Executive Councils decision (see clause 2.15). A date for the appeal will be set within the next fourteen days (see Appeals Procedure).
- 2.19 There is no appeal to UKCP from either party to the grievance.

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12.6 GPTI APPEALS PROCEDURE FOR APPEALS

Status of this Document

This document contains some minor amendments to the revision of the July 2003 Appeals Procedure.

1. Either party to an allegation of unethical professional conduct or grievance may appeal against the outcome of an Investigation and/or Adjudication. The party putting in the Appeal is referred to, in this document, as “the Appellant”.
2. An Appeal against the outcome of the Procedure for Allegations of Unethical Professional Conduct or Grievance Procedure Investigation or Adjudication is sent to the Chair of the Ethics Committee.
3. Written notification of the decision to Appeal must be sent within fourteen days of the date of notification of the outcome the Adjudication. (See 2.28 in the Procedure for Allegations of Unethical Professional Conduct and 2.18 of Grievance Procedure).
4. The details upon which the Appeal is based must be put in writing and sent within the twenty-eight period from the date of notification of the outcome the Adjudication.
5. The Appellant is required to give reasons to support his/her opinion that GPTI has not been fair or just in that one of the following conditions have been met:
 - relevant new information, which could not have been presented previously, has come to the attention of either party,
 - the current procedure for managing the allegation was not followed to such an extent that the outcome of the Adjudication is prejudiced against either party in some way,
 - the sanction is disproportionate to the nature and/or severity of the allegation being upheld. (Only open to the party found against.)
6. The Chair appoints an external moderator to consider the grounds of the Appeal. If the Moderator finds that there are sufficient grounds to support any or all of the conditions above, the Appeal is accepted.
7. The Chair informs the parties involved that an Appeal has been accepted and informs the Executive Council that an Appeal is in progress.
8. The Chair of the Executive Council appoints persons (now referred to as “the Panel”) to hear the Appeal. As much care as is possible is taken to ensure that the Appellant has no previous or current close or professional relationships, with members of the Panel.
9. The Panel is comprised of the external moderator (see 6. above); one member of the Executive Council of GPTI, not previously involved in the case; a senior member of another Member Organisation of UKCP. The Appellant may object to the appointment of a person to the Panel if s/he has reasonable grounds for his/her belief that the member’s presence may prejudice the Appeal.
10. The Chair of the Executive Council appoints a member of the Panel as Chair. The Panel Chair convenes the Panel to consider the Appeal at the earliest date possible.
11. Copies of all the papers and audio-recordings from the Adjudication are made available to the Panel. Either party may not submit additional material, including verbal information, unless the Appeal is based on 5.1 above.
12. The Panel may regulate its proceedings as the Chair of the Panel deems appropriate to serve the interests of justice. The Panel may require the attendance of the Appellant in order that s/he present his/her grounds for Appeal, or that of a member of the Ethics Committee or the Adjudication Panel in order that s/he can clarify any procedural matters or explain the manner and rationale of the decisions made.
13. Should the Appellant fail to attend the Appeal without reasonable cause, in the judgement of the Panel, the Appeal is deemed to be void.

14. The decision of the Panel is final to GPTI. The Panel may make a decision based on a majority vote; in the event of a hung Panel the Chair has the casting vote.
15. Within seven days of the Panel meeting to consider the Appeal, the Chair of the Panel publishes a report and sends it to the Chair of GPTI. The report sets out the Panel's decision and the reasoning behind it. The options before the Panel are:
 - the Appeal is upheld and either direction is given to convene a new Adjudication Panel to re-hear the evidence or, the Appeals Panel revises the sanctions previously determined.
 - the Appeal is not upheld and any previously determined sanctions come into force.
16. The Chair of GPTI informs both parties to the original matter, and the members of the Executive Council, of the outcome of the Appeal.
17. The Chair of the Panel ensures that all papers and audio-recordings held by the Panel are returned to the Chair. Any copies are destroyed by the Chair and all original material is kept within GPTI offices for a period of ten years. [See GPTI Protocol for the Storage & Disposal of Completed Regulatory Procedures.]
18. An appeal may be made to UKCP only after the Regulatory Procedures of GPTI have been exhausted, and providing the Member complained about is registered with UKCP via membership of GPTI. Either party or parties to those proceedings may appeal against a concluding decision arising from the implementation of either procedure, providing it is lodged within 28 days of that decision and is based on one or more of the following grounds:
 - where relevant new information has come to the attention of any party that could not have been presented previously
 - where the Procedure for Allegations of Unethical Professional Conduct was not followed or was incorrectly followed
 - where a sanction is considered to be unreasonable/unjust
 - where a decision is consider to be unreasonable/unjust
19. There is only a possibility of appeal to UKCP in relation to an outcome of the Procedure for Allegations of Unethical Professional Conduct.