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# ACAT Complaints Procedure

Published 1997

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## ACAT Complaints Procedure - Guidance Note

1. The Complaints Procedure provides a means for dealing with any complaint that a member of the Association for Cognitive Analytic Therapy ("ACAT") has breached any of ACAT's Codes of Ethics and Practice.
2. It is available to:
  - (a) any client or patient of a person who was at the time a member of ACAT, in respect of the practice of Cognitive Analytic Therapy ("CAT");
  - (b) any person who was a member of ACAT at the time of the matter complained of, in respect of the practice of CAT;
  - (c) any person who was training in the practice of CAT upon a course arranged by ACAT;
  - (d) in exceptional circumstances, it may be made available to third parties.
3. The Procedure is confined to complaints of breaches of one of ACAT's Codes of Ethics and Practice and to providing, where appropriate, investigation, conciliation, adjudication and sanctions, but cannot deal with any allegations of breach of contract or claims for damages or compensation. The complainant must make known to the Chair of the Ethics Panel if a complaint has been heard by or lodged with another organisation and ACAT reserves the right to accept the judgment of another organisation.
4. The Procedure is intended to be operated in a way which is confidential, independent and respectful of the parties involved, and in as short a time as is consistent with fairness.
5. The Procedure is operated by the Chair of the Ethics Panel, together with members of the Panel. The Procedure is designed to avoid, if possible, the need for a full hearing, and therefore proceeds in stages. First, the complaint is considered to ascertain whether it falls within the Procedure; then it is subjected to an informal investigation, during which the possibility of resolution by conciliation is considered. If no resolution is achieved, the matter may then proceed to Adjudication. If that results in the complaint being upheld, sanctions may be imposed. There is an appeal procedure in respect of Adjudication.
6. The Procedure should be read in conjunction with the relevant Codes of Ethics and Practice applying to ACAT members, whether as practitioners, psychotherapists, supervisors or trainers.
7. This Guidance Note does not form part of the Procedure.

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## 1 Introduction

### 1.1 Purpose

- 1.1.1 Members of the Association of Cognitive Analytic Therapists (“ACAT”) agree to abide by the Codes of Ethics and Practice (“the Codes”) adopted by the organisation. ACAT undertakes to investigate complaints made about the professional conduct of its members where a breach of any of its Codes is alleged.
- 1.1.2 The purpose of the Complaints Procedure (“the Procedure”) is to provide a means of dealing with a complaint against a member of ACAT that the member has breached any of the Codes.

### 1.2 Availability

- 1.2.1 The procedure is available to:
- 1.2.2 A member of the public seeking or using the services of a member of ACAT in respect of the practice of Cognitive Analytic Therapy (“CAT”);
- 1.2.3 A member of ACAT;
- 1.2.4 Complaints by other parties will only be heard in exceptional circumstances, at the discretion of the Chair of the Ethics Panel (“the Chair of the Panel”), in consultation with members of the Ethics Panel (“the Panel”).

### 1.3 Time Limit

- 1.3.1 A formal complaint should be lodged within three years of the event which forms the substance of the complaint. A complaint outside that period will only be entertained for good reason in exceptional circumstances.

### 1.4 Ethics Panel

- 1.4.1 The Panel comprises the Chair of the Panel, the Vice-Chair of the Panel, Chair of the ACAT Council (“the Chair of ACAT”) or another member of the ACAT Council appointed by her or him, between 3 and 6 lay members, and 6 members of ACAT.
- 1.4.2 The Chair of the Panel will provide a report, including, where appropriate, statistics, to the membership of ACAT at each Annual General Meeting, and when required, to UKCP.
- 1.4.3 The Panel has the right to review and make proposals to the Council of Management of ACAT for changes to the Procedure and Codes.
- 1.4.4 The Panel has the right to co-opt further lay professional members and members of ACAT to the Panel should it deem the need to arise.
- 1.4.5 The Procedure is administered by the Panel who may appoint one or more persons who may be members of the staff of ACAT to serve as Clerks to the Panel.
- 1.4.6 The Panel may, from time to time set out protocols guiding the administration of the Procedure.
- 1.4.7 The Panel for the purposes referred to in the preceding 4 paragraphs comprises the Chair of the Panel or her or his appointee from the Panel acting in conjunction with not less than two other members of the Panel.
- 1.4.8 Amendments to the Procedure must be approved by the Council of Management which must seek ratification for that approval by the Annual General Meeting of ACAT.

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## **2 Making A Complaint**

### **2.1 Preparatory Consultations**

2.1.1. It is anticipated that where appropriate the complainant will have made an attempt to resolve the difficulties directly with the member complained against. Any person considering making a formal complaint may have preliminary and confidential discussions on procedure with a Clerk to the Panel. The complainant will be given a copy of the Procedure and of the relevant Code or Codes.

### **2.2 Dissatisfaction and Potential Complaints.**

2.2.1 In cases where ACAT receives an expression of dissatisfaction or an expression of a potential complaint not amounting to a formal complaint, these will be referred to the Chair of the Panel who will consider the suitability of the matter for referral to a member or members of the Panel with a view to conciliation. She or he will communicate the expression of dissatisfaction or expression of a potential complaint to the person complained against, and will notify both parties of his decision about referral for conciliation.

### **2.3 Starting the Complaints Procedure**

2.3.1 Details of the complaint must be sent in writing to the Chair of the Panel, c/o ACAT Office, PO Box 6793, Dorchester, DT1 9DL. These must include specific identification of the provision or provisions of the relevant Code alleged to have been breached.

### **2.4 Notification**

2.4.1 A copy of the complaint will be forwarded to the Chair of ACAT, the Chair of the Panel and to the person complained against.

### **2.5 Preliminary Consideration**

2.5.1 The Chair of the Panel, after consulting the Chair of ACAT, will decide whether the complaint is one which appears to fall within the scope of the Complaints Procedure, and will communicate her or his decision to the parties concerned.

## **3 Investigation and Conciliation**

### **3.1 Purpose**

3.1.1 The purpose of the investigation and conciliation stage is the informal investigation of the complaint so as provisionally to establish the relevant facts, to consider and implement conciliation where it is considered appropriate, and to report to the Chair of the Panel with provisional conclusions and any recommendations in accordance with the options for disposal set out below.

### **3.2 Investigation Sub-committee**

3.2.1 The Chair of the Panel will appoint an Investigation Sub-committee from the Panel to investigate the complaint and for the other purposes referred to above. This Sub-committee will normally comprise two ACAT members and one lay member. An ACAT member will be appointed Chair.

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## 3.3 The Investigation

- 3.3.1 The Investigation Sub-committee will interview the complainant and the person against whom the complaint is made individually or together as appropriate, and may collect evidence from those it deems appropriate. The complainant or the person complained against may be accompanied by a friend during any interview though in cases where this friend is a legal representative this should be made known to the Investigating Sub-committee in advance. The Sub-committee may seek legal advice to assist in its deliberations.
- 3.3.2 The Sub-committee and the parties should at all times have regard to the need for its procedures to be conducted as swiftly and informally as is possible and reasonable in the circumstances.
- 3.3.3 For the purpose of the Investigation, the Sub-committee shall set such procedures as may seem appropriate to the complaint, having regard to the considerations referred to above.

## 3.4 Conciliation

- 3.4.1 The Sub-committee shall consider at an early stage the suitability of the complaint for conciliation. If it is considered suitable, the Sub-committee shall appoint another member of the Panel to seek a resolution of the conflict as between the complainant and the person complained against. The conciliation process shall be confidential as between the conciliator and the parties unless, at the express written request or with the consent of both parties, any matter or matters occurring during the process are disclosed by the conciliator to the Sub-committee.
- 3.4.2 The outcome of the conciliation process will be reported by the conciliator to the Sub-committee.

## 3.5 Outcome of the Investigation

- 3.5.1 The Sub-committee will prepare a report for the Chair of the Panel outlining the outcome of the Investigation. The report will:
- summarise the complaint;
  - summarise the response of the person against whom the complaint was made;
  - summarise the conclusions as to facts arrived at by the Sub-committee;
  - summarise any resolution of the complaint arrived at by conciliation or otherwise.
- 3.5.2 In the absence of any such resolution, the report shall state whether the Sub-committee finds that the facts amount to:
- no breach of the alleged provision of the Code;
  - a prima facie minor breach of the relevant Code;
  - prima facie serious breach of the relevant Code.
- 3.5.3 The Chair of the Panel will notify the parties of the outcome of the Investigation.
- 3.5.4 In the event of a prima facie finding of a minor breach of a Code, the Chair of the Panel will also write to the person complained against to draw attention to the breach, whilst advising that the complaint will not be referred to an Adjudication Sub-committee.
- 3.5.5 In the event of a prima facie finding of a serious breach of a Code, the complaint will be referred by the Chair of the Panel to an Adjudication Sub-committee
- 3.5.6 If despite resolution, in the opinion of the Investigation Sub-committee, the investigation has disclosed a prima facie serious breach of a Code which ought, notwithstanding the resolution of the complaint to be

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considered by an Adjudication sub-committee, it may recommend such a course and the Chair of the Panel may so refer the matter.

## 4 Adjudication

### 4.1 Purpose

4.1.1 The purpose of adjudication is to examine a complaint referred to an Adjudication Sub-committee following a prima facie finding by an Investigation Sub-committee that a member has committed a serious breach of a Code or after a referral by the Chair of the Panel under paragraph 3.5.6 above. The Adjudication Sub-committee hears the matter afresh, to decide after hearing evidence, which may be fuller than that obtained by the Investigation Sub-committee, whether the breach has been proved and, if so, to determine what, if any, sanction to impose. Where there are several complaints against the same member, they may be heard at the same adjudication hearing.

### 4.2 Adjudication Procedure

4.2.1 The Chair of the Panel will appoint an Adjudication Sub-committee from the Panel to hear the complaint. This Sub-committee will normally comprise not less than two senior members of ACAT being members of the Panel, of whom one will be appointed Chair ("the Chair"), and one lay member of the Panel.

4.2.2 When appearing before the Adjudication Sub-committee, both the complainant and the member complained against may be accompanied by a "friend" who may represent him or her. In cases where this friend is a legal representative this should be made known to the Adjudication Sub-committee in advance.

4.2.3 The complainant must submit to the Adjudication Sub-committee a written summary of the complaint and the substance of the case in support of the complaint not less than 8 weeks before the date fixed for the adjudication hearing ("the Hearing"). A copy of it should forthwith be sent to the person complained against.

4.2.4 The person complained against must submit a written summary of her or his answer to the summary of the complaint and case of the complainant not less than 4 weeks before the date fixed for the Hearing.

4.2.5 The evidence of the parties, including their witnesses, should be submitted in writing not less than 15 working days prior to the date fixed for the Hearing.

4.2.6 All the summaries and statements of evidence will be copied and circulated by the Clerk to the Adjudication Sub-committee members, the complainant and the member complained against not less than 10 working days prior to the Hearing.

4.2.7 The Adjudication Sub-committee may invite witnesses to attend the Hearing to answer questions put by the parties or the Sub-committee. If a party wishes to ask questions of a witness whose evidence has been submitted by the other party, she or he should at the earliest date inform the Clerk that she or he would like that witness to attend, whereupon (except for good reason) the Chair of the Adjudication Sub-committee will issue a written invitation to the witnesses to attend.

4.2.8 The venue selected for the Investigation and Adjudication hearings will provide a secure and confidential environment.

4.2.9 The Clerk to the Panel is responsible for arranging the Hearing and notifying all participants in writing.

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## 4.3 The Hearing

- 4.3.1 This is a formal hearing, and the Chair is responsible for ensuring that it is conducted in a manner which shows due regard to the gravity of the matter and to considerations of confidentiality

## 4.4 Adjournment

- 4.4.1 At any time before or during the Hearing the Chair may grant an adjournment. At any time during the meeting either party may ask for an adjournment in order to give them time to consider any issues which may have arisen during the meeting. This request will be dealt with at the discretion of the Chair.

## 4.5 Failure to Attend

- 4.5.1 The failure of the complainant to attend without good reason or due notice will result in the complaint being dismissed. The failure of the person complained against to attend without good reason or due notice will result in the complaint being heard in her or his absence.

## 4.6 Procedure at the Hearing

- 4.6.1 At the Hearing the following procedure will normally be observed. Both parties will be present while:

a summary of the complainant's case is put;

a summary of the case of the member complained against;

the complainant gives evidence, followed by any witnesses she or he wishes to call;

at the end of the evidence for the complainant, the person complained against may give evidence and then call her or his witnesses to do so;

the parties and their witnesses may be asked questions by the other party or her or his friend, and the Adjudication Sub-committee members may also do so;

at the close of the evidence the parties may make closing addresses, the person complained against last; the Adjudication Sub-committee decides whether the complainant has proved the alleged breach or breaches of a Code;

the person complained against will then be given an opportunity to be heard upon the issue of sanctions.

## 4.7 Conduct of Hearing

- 4.7.1 Those taking part in the Complaints Procedure are required to act in a manner that does not breach confidentiality and in a way that does not prejudice or improperly influence the outcome of the Procedure.
- 4.7.2 Any breach of the above requirement will be deemed to be a breach of the Codes and liable to separate complaint under this Procedure.
- 4.7.3 In the event of any such breach, the Procedure may be halted by the Chair of the Panel, and recommenced or adapted as may appear to her or him to be fair and appropriate.

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- 4.7.4 Members of the Panel appointed to participate in the procedure in any capacity have a duty to declare any interest which may be seen as casting doubt upon their ability to perform the role with impartiality.
- 4.7.5 The Chair of the Panel will take into account the views, if any, of the complainant and the person complained against when deciding whether any member of the Panel should be replaced within the procedure upon any complaint.

## 4.8 Procedure after Adjudication

- 4.8.1 Following adjudication, the Chair of the Adjudication Sub-committee will prepare a report for the Chair of the Panel outlining the outcome. The report will state whether or not, on the basis of the evidence presented, the complaint constitutes a breach of a Code warranting the imposition of a sanction or sanctions. The Chair of the Panel will meet with the Adjudication Sub-committee to discuss its findings and to decide what if any sanctions to impose. Resolution of disagreements will be reached by either a simple majority or, in the event of a 50 - 50 split, the Chair of the Panel will have the casting vote. The Chair of the Panel will notify both parties of the outcome of this meeting. The Chair of the Panel will notify the Chair of ACAT of the outcome. The Chair ACAT will implement any sanctions.

## 4.9 Sanctions

- 4.9.1 Any one or more of the following sanctions may be imposed:
- 4.9.1.1 warning to improve or change in a specific way by a specified date;
  - 4.9.1.2 monitoring by a supervisor, acceptable to ACAT, for a specific period;
  - 4.9.1.3 reprimand or severe reprimand of the member;
  - 4.9.1.4 suspension of membership or recognised status for a specified period not exceeding two years or until specified conditions have been satisfied;
  - 4.9.1.5 request for an undertaking to cease offering CAT and/or training and/or supervision for a specified period or indefinitely;
  - 4.9.1.6 termination of membership or recognised status.

## 4.10 Lifting of Sanctions

- 4.10.1 The person sanctioned should make an application to the Chair of the Panel for the lifting of sanctions once any conditions imposed have been met.

## 4.11 Failure to Comply with Sanctions

- 4.11.1 Any failure to comply with sanctions is to be deemed to be a breach of the Codes. An allegation of such a failure is liable to be dealt with as such a breach, or by direct reference by the Chair of the Panel to the Adjudication Sub-committee or another Adjudication Sub-committee. If the allegation be proved, such Sub-committee shall have power to substitute any sanction, or add a further sanction, from those that might have been imposed including (for the avoidance of doubt) termination of membership or recognised status.

## 5 Appeals

### 5.1 Right to Appeal

- 5.1.1 Either party may appeal against the decision upon Adjudication of the Panel by written notice to the Chair of the Panel within four weeks of the notification of findings, stating the grounds of the appeal. Where the case is proved, the member complained against may similarly appeal against sanctions by similar notice, stating grounds.

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## 5.2 Appeal Procedure

- 5.2.1 The Chair of the Panel shall appoint up to 3 members of either the Panel or the General Council with no previous knowledge of the case, to consider the appeal. This Appeal Sub-committee will meet with the parties and consider the appeal on the evidence summarised by the Adjudication Sub-committee. To the extent that the consideration relates to an appeal against sanctions, the complainant will withdraw. The Appeal Sub-committee will decide the appeal. The decision of this meeting will be final.

Approved by ACAT Membership and Council and all Committees April 1997