

## The Guild of Psychotherapists

### GRIEVANCE GUIDELINE

The purpose of this Grievance Guideline is to help members resolve workplace disputes or conflicts occurring between members, including when working in relation to The Guild. It is not intended to be used for conflicts of (inter)personal nature. Our Grievance procedure differs from the Complaints Procedure in that it does not deal with psychotherapists' conduct in relation to violations of the Code of Professional Conduct.

Grievances, as opposed to Code of Conduct complaints, are concerned with the rules and function of the organisation and the treatment and conduct of its members as set out in its constitution, the referrals of patients, room bookings, and other such matters that concern fair and reasonable behaviour between members of the organisation. An alleged significant failure of fair and reasonable behaviour constitutes the main grounds for raising a grievance.

The Guild has a statutory Grievance Policy for employees, as required by law. It shall take priority in any grievances between employees and members. The Guild also has a separate grievance policy for trainees.

This Grievance Guideline is internal to the organisation for its members. It provides a structure and a process in which grievances can be aired and resolved as quickly as possible and as near as possible to the point of origin.

#### **Informal Resolutions**

##### **Where possible the informal route should be adopted:**

Where a member has a difficulty with another member(s), or with a Guild committee or other group or group member arising out of their voluntary work for the Guild, the member should first discuss it directly with the person(s) concerned, who may include a committee, or the Council. If the difficulty remains unresolved or persists on the grounds outlined above, the member may raise it as a grievance.

Where a member's grievance is unresolved after discussing it directly with those concerned or where the member does not feel able to approach those concerned directly without support, the member should raise the matter with The Guild's Honorary Secretary in his/her capacity as the Officer who deals with the day-to-day matters of The Guild. If the grievance concerns a committee, the member should raise it with the committee's chair; similarly with a Guild group. If the grievance remains unresolved or persists, the member may take it up with the Honorary Secretary (see above).

If the grievance is about the Honorary Secretary, it may not be appropriate to take up the grievance with him/her. In this case, or if the grievance is about the Chair of The Guild, the member may raise it informally with another Officer of The Guild.

In these circumstances the member receiving the informal grievance will discuss with the member raising the grievance how best their grievance can be resolved, which may include helping them raise the issue with the member to whom the grievance relates.

If the grievance affects more than one member, each individual should raise their grievance separately. Only with the agreement of the Honorary Secretary or, where grievances are about the Honorary Secretary, The Chair of the Guild, can grievances be raised collectively and, even if this is agreed, the informal process may involve separate meetings with all aggrieved parties.

### **Formal Resolutions**

If the member's grievance is not resolved through the informal route detailed above or the member considers the matter to be more serious, s/he may raise it as a formal grievance, which must be set out in writing to the Chair of The Guild. The person(s) against whom the grievance is raised will be given a copy of the grievance (within one week where practically possible).

If the grievance is about the Council, the member(s) should set out in writing their grievances and send this to The Guild's Chair. The person(s) against whom the grievance is raised will be given a copy of the grievance (within one week where practically possible).

### **Formal meetings:**

It is The Guild's intention to consider all grievances as soon as possible, however, members need to be mindful of the fact that the Guild is managed by volunteers and meetings may take longer to organise.

**Investigation meeting.** The Guild's Chair in consultation with the Honorary Secretary may appoint an external suitable professional to investigate any formal grievances.

A meeting will be held (within 21 days of notification) with the member who has raised the grievance. At this meeting the investigating officer will look to establish what has taken place to give rise to the grievance and what the member is looking for as a reasonable outcome/resolution. The investigating officer will always be accompanied (eg., by a note-taker, who may also act as witness), and the member raising the grievance is entitled to be accompanied by a fellow member.

The investigating officer will meet with the member(s) against whom the grievance is raised, who will be given a copy of any investigation notes and will have the opportunity to comment on any findings.

**Assessment of facts.** Following a formal investigation, the investigating officer will refer the grievance to a panel, who shall assess the facts and determine whether there is a case to answer in respect of the said grievance, by considering whether the facts complained about would, if established, be sufficient to constitute a serious grievance on the grounds brought with the case.

The panel will aim to meet within 21 days of the receipt of notification, and shall consist of two (2) persons, one senior Guild member and one person external to the Guild with suitable knowledge and experience (eg, in legal-related work). Any determination that there is a case to answer in respect of a formal grievance shall be unanimous.

When the Honorary Secretary is informed by the panel of their determination, s/he shall immediately notify in writing the two parties and the Chair of The Guild of their decision.

If the panel is satisfied that the grievance discloses a case to answer, the Honorary Secretary shall invite the two parties to a formal hearing within The Guild.

If the panel is not satisfied that the grievance discloses a case to answer, including that the matter is trivial, the grievance shall be dismissed.

If the panel cannot arrive at a decision, either of the two parties may ask the Honorary Secretary to refer the case to an appeal panel hearing (as described below).

**Formal hearing.** For a formal hearing within The Guild, the Honorary Secretary shall set up a panel consisting of three (3) persons, a member of Council (excluding The Guild's Chair and the Ethics Chair), a senior member of The Guild, and one person external to the Guild with suitable knowledge and experience (eg, in legal-related work). Any person with conflicting interests shall be excluded from the panel.

The same applies if the formal grievance is against a committee or other group.

At this grievance meeting, either party may be accompanied by a translator or other appropriate support provided that such support is fair and equitable between the two parties. The three panellists may consult the investigation notes and any other material relevant to the case. They may ask The Guild's Chair to make available specialist advice and documentation (eg., matters of law, contractual).

The three panellists shall share their views with the two parties. They may suggest that the matter can be resolved by way of conciliation, or they may arrive at adjudication.

If the way of conciliation is acceptable to the person(s) raising the grievance and to the person(s) against whom it is raised, another meeting may be held to work out a solution acceptable to both parties (within four weeks). A solution arrived by conciliation following from a formal hearing shall be final.

The three panellists may ask The Guild's Chair to make available mediation or arbitration conducted by an external service (as named for Mediation in The Guild's Complaints Procedure). Attendance shall be paid by The Guild for as many hours as approved by the Honorary Secretary and The Guild's Treasurer (provided these roles are not shared) in consultation with the external service, then at the two parties' own expense. A solution arrived by such Alternative Dispute Resolution shall be final.

If the panel arrives at adjudication, the outcome may range from dismissing the grievance, to issuing formal warnings. In exceptional cases the panel may apply a disciplinary sanction as found in The Guild's Complaints Procedure (re: Code of Conduct), Part B.1.4. The panel who heard the case shall inform the two parties of their decision in response to the grievance, and in writing (within three weeks).

Where a member raises a grievance in good faith and the grievance is not subsequently upheld, no further action shall be taken either way. However, if the Honorary Secretary (or the person appointed instead, see above) considers that a member has raised or persists in raising false, malicious or vexatious grievances, s/he may ask the panel to consider bringing an appropriate disciplinary action.

If the three panellists' adjudication decision is not acceptable, then either party has the right to appeal.

**Appeal meeting.** If the person(s) raising the grievance or the person(s) against whom it is raised wishes to appeal against the adjudication decision, the party must set out in writing the grounds for their appeal by writing to The Guild's Chair.

The party will then be invited to attend another meeting with a panel consisting of three (3) persons: a member of Council (excluding The Guild's Chair and the Ethics Chair), a senior Guild member (different from the one(s) mentioned above), and a person with qualifications and experience which are deemed suitable for hearing the said appeal, who may be a member of The Guild or be external to The Guild, as determined by the Council. Any person with conflicting interests shall be excluded from the panel. Where the Council are themselves involved in the grievance, another senior Guild member agreed by the two parties shall be appointed instead.

After the meeting, both parties shall be informed of the appeal panel's final decision in writing.

#### APPENDIX 1 Holiday periods.

No grievance hearings may be arranged during these holiday periods:  
months of July and August, 2 weeks over Christmas, and 2 weeks over Easter.

#### APPENDIX 2 Limit on concurrent procedures.

Guild complaints and grievance procedures are run by volunteers in their spare time. There is a limit to the number of complaints and grievances that The Guild can run concurrently: two (2). The maximum number may at any time be determined jointly by the Honorary Secretary and the Chair. Any complaints and grievances that arrive after this number has been exceeded, will be deferred and dealt according to the rule 'first come, first served,' giving priority to complaints regarding the Code of Professional Conduct.

### APPENDIX 3 Some clarifications.

The grievance procedure was requested by UKCP, devolved through CPJA, at the Quinquennial Review in 2014. UKCP have requested that Organisational Members should have their own grievance procedure in place to deal with disputes arising between members internally to the organisation. UKCP does not deal with such complaints.

The Guild has a tradition of dealing with grievances flexibly. This grievance policy has the status of a guideline. The specific contents of the grievance procedure document may be updated by Council subject to its quorate majority vote.

The Guild Grievance Guideline is based on extensive consultation, including with The Guild's Human Resources professional. Established grievance procedures in the public and private sectors have been taken into account.

12 March 2016