

## ANLP Complaints Policy

### Stage 1 - INTRODUCTION

#### Aim

The aim of the Complaints Procedure is to afford protection to the public and to protect the name of ANLP and the profession of NLP as conducted by individual Members of ANLP.

Whilst a complaint is in progress, it is expected that all documentation and communication relating to that complaint are treated as strictly confidential by all parties involved. Depending on the results of a complaint, ANLP may publicise the results in accordance with the terms detailed below.

#### Bringing a complaint

A complaint can be brought by either:

- A member of the public seeking or using a service provided by a Member of ANLP
- A third party representative of the person seeking or using the service provided by a member of ANLP, if
  - the person is a minor (ie under 18)
  - is classed as a vulnerable adult who cannot make their own representations.\*\*\*

In these cases, ANLP requires evidence to indicate they have authorisation to act as a third party representative.

\*\*\*Note: Please refer to the ANLP Safeguarding Policy - Glossary for the ANLP definition of a vulnerable adult.

#### Complaints against non-members

ANLP cannot deal with complaints against individuals or organisations who were not members of the Association at the time of the alleged complaint.

#### Timescale

A complaint must be lodged within 6 months of the alleged breach.

#### Validity

The complaint must satisfy the following conditions:

- a) It is brought in accordance with the criteria listed above.
- b) The allegation is of a breach of a specific clause or clauses of the relevant ANLP Code of Ethics or ANLP Trainers Code of Ethics in force at the time the alleged breach occurred.
- c) The Member complained against is named and was a Member of ANLP at the time the alleged breach occurred.
- d) It is in writing, signed and received by ANLP.

A complaint not satisfying the above conditions will be rejected.

#### Dual accountability

ANLP may decide to hear a complaint against a member when another organisation is involved in a similar process arising out of the same substantive matters. Where a complaint is being heard against a member by a Statutory Regulatory agency or any other legal process, ANLP will defer to their process. On completion of any statutory process, ANLP will pick up the complaint, taking into account any findings by the Statutory Regulatory Agency. If another agency is involved which is non regulatory, ANLP reserves the right to work in conjunction with that agency and hear the complaint jointly.

#### Resolution

Before making a complaint to ANLP, the Complainant is expected to attempt to resolve the issue with the Member. The Complainant must demonstrate that all informal channels, internal processes

and procedures have been exhausted. If local resolution is impossible or inappropriate, an explanation as to why this is the case will be required.

### Findings

ANLP reserves the right to distribute any findings upheld against a member where it considers it right and just to do so in all circumstances. The decision of the Complaints Panel, together with details of any sanction, may be published in Rapport Magazine and/or the ANLP website in such detail as deemed appropriate to the findings and at its discretion. Such decisions will be based on considerations of public interest and the severity of the findings.

### Stage 2 - COMPLAINTS PROCESS

1. All complaints to ANLP will be treated the same whatever it is regarding.
2. Within 3 working days of receipt, the Admin Team will check to see if the complaint is regarding a current member.
  - *If NO – follow on to step 3.*
  - *If YES – proceed to step 4.*
3. The Admin Team will inform the complainant that no action can be taken. No further action now needs to be taken.
4. The Admin Team will send the Complaint Form to the Complainant to be completed and submitted together with all evidence and details of the complaint. The Complainant has 4 weeks (20 working days) to submit the completed form and evidence for review.
  - *If completed form not received – follow on to step 5.*
  - *If completed form received – proceed to step 6*
5. The Admin Team will contact the Complainant with the follow up email to state complaint has now been closed.
6. The Admin Team acknowledge receipt of the completed form and contact the Member to advise a complaint has been received and provided with relevant details, which may include Personally Identifiable Information (PII) unless the Complaints Form declaration requests non-disclosure of PII, in which case the form will be redacted. The Member is given 7 days to provide their statement/account.
7. In conjunction with Step 6, the Admin Team requests a volunteer Chief Adjudicator from the Complaints Team to initially assess the complaint.
8. Once the Chief Adjudicator has been appointed, the Admin Team will send all details of the complaint (from both the complainant and the Member) to the Chief Adjudicator.
9. The Chief Adjudicator will initially assess the complaint and check its validity, in order to determine whether or not the complaint can be accepted. The Chief Adjudicator notifies the ANLP Admin Team of their decision.
  - *If the complaint is NOT accepted – follow on to step 10 and 11.*
  - *If the complaint is deferred – follow step 12*
  - *If the complaint IS accepted – proceed to step 13.*
10. The Complainant and Member are notified of the decision, including the reasons as to why the complaint is either not valid or not accepted and will not be taken any further.
11. As long as the complaint meets the criteria for validity, the Complainant has the right of appeal at this stage and can request the complaint is taken to the next stage (step 13), despite the assessment of the Chief Adjudicator. If a complainant chooses this course of action, they will be asked to contribute to the costs of running a Professional Conduct Hearing. Any appeal must be lodged with the ANLP Admin Team within 7 days of the notification email being received.
12. The Complainant and Member are notified of the decision to defer the complaint until such time as it can be picked up again.

13. The Complainant and Member are notified of the decision to proceed with the complaint. Depending on the seriousness of the complaint, The Admin Team will contact both the Complainant and the Member to see if the complaint can be resolved through informal mediation conducted via the Chief Adjudicator. Both parties will be given options at this stage from the Chief Adjudicator liaising with the Admin Team for assistance. Following liaison, it will be the decision of the Chief Adjudicator as to whether or not the informal resolution will be pursued in the first instance.

If one or both parties refuses this offer, the matter will proceed to a Professional Conduct Hearing and the party (or parties) that have refused to participate will be expected to contribute to the costs of running a formal hearing.

If there is no resolution via the informal route, this matter will proceed to a Professional Conduct Hearing. The mediator will be asked to provide a report which will form part of the evidence at the Professional Conduct Hearing.

- *If YES to an informal resolution – follow on to step 14.*
- *If NO to an informal resolution – proceed to step 15.*

14. The Chief Adjudicator, together with an ANLP representative, will mediate between all parties with a view to achieving an informal resolution. Alternatively, both parties will be invited to engage with a Dispute Resolution Service provider.

If an informal resolution can be reached, the Admin team will contact the Complainant and the Member confirming the informal resolution to the complaint and actions agreed. It will be the Admin Team's responsibility to ensure this happens. No further action now needs to be taken.

- *If an informal resolution cannot be reached, proceed to step 15.*
- *If any agreed actions are not fulfilled, proceed to step 15.*

15. The complaint will now be dealt with at a formal hearing known as The Professional Conduct Hearing.

### Stage 3 - PROFESSIONAL CONDUCT HEARING

A. The purpose of The Professional Conduct Hearing is to examine the complaint and decide whether or not it is upheld, based upon the evidence. The Complaints Panel will decide whether any sanction should be imposed from this hearing.

B. The Chief Adjudicator will instruct the Admin Team to appoint a panel of no less than two other people selected from members of the Complaints Team (thus making a panel of minimum three people, including the Chief Adjudicator). At least one person on the panel will be a professional person who does not work for ANLP or any other NLP organisation.

- a. These persons shall now be known as the Complaints Panel. The Complaints Panel must be appointed with regard to Equalities and Diversity legislation. Members of the Complaints Panel have a duty to declare any interest which may be considered by the Chief Adjudicator to affect their impartiality, or likely to be thought to do so.
- b. ANLP will also appoint a representative to attend the Hearing – their presence is as an observer and to advise on points of procedure that may arise during the hearing.

C. The Admin Team will invite the Complainant and the Member in writing, to appear at The Professional Conduct Hearing and will liaise with all parties to establish a hearing date for The Professional Conduct Hearing. This date will be a minimum of eight weeks from the correspondence date

D. The Admin Team will send the Complainant and the Member the Professional Conduct Hearing Preparation Email, detailing the deadlines and requirements to be met by all parties before the hearing.

These details and requirements include:

- a. When appearing at The Professional Conduct Hearing, the Complainant and the Complainee may each be accompanied by a representative who may support and/or speak on behalf of the party concerned.
- b. Written evidence and/or submissions and witness statements must be submitted in advance by the Complainant and the Member. Such papers must be received by the Admin Team at least 28 days prior to the date fixed for The Professional Conduct Hearing.
- c. These papers will then be circulated from the Admin Team to the Complaints Panel, the Complainant and the Member no less than 21 days prior to the hearing.
- d. The Complaints Panel, Complainant and the Member may appoint witnesses they wish to attend the hearing. Any witnesses must have already submitted written evidence (Section 6b) Parties wishing to call witnesses must notify the Admin Team of the names and details of such witnesses no less than 28 days prior to the date fixed for the hearing. The witness list will be reviewed by the Complaints Panel and any witnesses required by the Complaints Panel will be selected at least 7 days prior to the hearing.

The Admin Team will notify the Complainant and Member of the witnesses required and the witnesses will be contacted directly by the relevant party. Attendance will only be permitted by the Chief Adjudicator if the witness has supplied a written statement which needs clarification. The Complaints Panel has discretion to refuse attendance by a witness if it reasonably believes that such attendance is not relevant or will not add any weight to the issue(s) under consideration. During the hearing, there will be an opportunity for witnesses to be questioned by the panel and either party connected with the case.

- E. The Admin Team makes up and circulates Complaints Packs to all parties at least 21 days prior to the Hearing.
- F. The Panel meets with ANLP to review the case and plan their approach, no less than 10 days before the hearing. The Panel advises ANLP of any witnesses they wish to question.
- G. The Admin Team contact both parties with confirmation of witnesses to be questioned during the hearing.
- H. The Professional Conduct Hearing is held - For what happens on the day during the Professional Conduct Hearing, please refer to the Professional Conduct Hearing Agenda.
- I. If either the Complainant or the Complainee fails to attend The Professional Conduct Hearing without providing sufficient reasons as to why, the Chief Adjudicator will then decide one of the following:
  - a. To proceed with the hearing in the absence of one of the parties.
  - b. To adjourn the hearing to a date no less than 28 days in advance.
  - c. To terminate the proceedings.

In these circumstances, both parties will be emailed by the Admin Team with information supplied by the Chief Adjudicator as to the outcome.

- J. Once the Professional Conduct Panel Hearing has taken place, The Complaints Panel deliberate on the evidence provided and reach a decision. They may seek guidance from ANLP at any point during this process. The Complaints Panel have 28 days from the date of the Hearing to formally document their decision and any other relevant information in a Professional Conduct Hearing Report. Once finalised, this report is sent to ANLP for review.
- K. Once reviewed The Admin team will circulate the Professional Conduct Hearing report to both the Complainant and the Member informing them of the outcome.  
The decision of the Complaints Panel at The Professional Conduct Hearing is final and may not be contested.

The **only** right of appeal is if the documented processes laid down in this policy were not correctly followed and, as a result, one party was disadvantaged. If this is the case, an



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Appeal should be made in writing to the ANLP Admin Team within 7 days of receipt of the outcome email, evidencing where any breaches of process occurred. The Appeal will be investigated by a member of the Complaints Panel who was not previously been involved in the original process.

- L. It is the duty of the Admin Team, with support from the Complaints Panel if required, to ensure any sanctions are carried out.

### **WEBSITE LINKS**

Complaints Policy	<a href="https://anlp.org/anlp-complaints-policy">https://anlp.org/anlp-complaints-policy</a>
Complaints Process	<a href="https://anlp.org/complaints-process">https://anlp.org/complaints-process</a>
Professional Conduct Hearing	<a href="https://anlp.org/professional-conduct-hearing">https://anlp.org/professional-conduct-hearing</a>