

## **How the Human Givens Institute (HGI) deals with complaints**

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### **The Registration and Professional Standards Committee (RPSC) is the HGI body that:**

- deals with complaints made against HGI registered therapists
- sets the standards of conduct and ethics for practitioners of HGI registered therapists
- maintains a register of therapists who meet the standards set out in the HGI Code of Ethics and Conduct: <https://www.hgi.org.uk/about-hgi/ethics-and-conduct>
- oversees the standards of education and training required to gain entry onto the HGI Register of Practitioners.

### **What complaints can the RPSC deal with?**

We can deal with complaints or concerns about:

- the treatment provided by HGI registrants (MHGI or FHGI) (hereafter named as 'therapist')
- the business practices of HGI registrants
- the physical or mental health of HGI registrants
- the professional or personal behaviour of HGI registrants that is relevant to their fitness to practise

### **Complaints by third parties**

The RPSC will accept complaints from concerned third parties, where for example, a client is unable to complain directly for reasons of age or infirmity, or where the third party is aware of a situation that gives cause for concern. Wherever possible though, it is preferable that clients communicate directly with the HGI. In addition, the RPSC will consider any reasonable concerns raised by third parties, such as the Press or insurance companies, in relation to HGI Registrants.

### **Time limit for complaints**

The RPSC will not normally consider complaints about incidents that occurred more than seven years ago, or about an event that came to light more than seven years ago.

## The RPSC cannot:

- fine a registrant or recover any monies paid for services
- deal with claims for compensation\*
- deal with complaints against other organisations, other than complaints against individual HGI registrants
- deal with complaints against the HGI itself, rather than registrants. Complaints against the HGI are dealt with by the External Oversight Committee for Human Givens Therapy (EOC). The EOC complaints procedure can be viewed at: <https://www.hgi.org.uk/about-hgi/ethics-and-conduct/complaints>
- deal with anonymous complaints or complaints where the name of the complainant has to be kept unknown to the therapist, unless special circumstances apply.

*\*All HGI registrants are required to have insurance to cover any claims made against them.*

## What to do if you have a complaint

The HGI recommends that members of the public should, wherever possible, try to resolve their complaint with the individual therapist concerned. If you have tried this without success, or if you prefer to contact us from the outset, please follow the process as set out below.

## How to make a complaint

A complaint has to be made in writing, preferably using our downloadable complaint form (<https://www.hgi.org.uk/sites/default/files/hgi/HGI-Complaints-Form.pdf>). Send a printed copy of your completed complaint form to the HGI Membership Secretary, Human Givens Institute, Church Farm, Church Farm Lane, Chalvington, East Sussex, BN27 3TD, United Kingdom, marking the envelope 'Private and Confidential' Alternatively, you can email your completed complaint form as an attachment to [complaints@humangivens.com](mailto:complaints@humangivens.com).

If putting your concerns in writing presents a difficulty, the HGI office staff will be pleased to assist you. They can be contacted on 0044 (0)1323 811662.

### Notes:

1. If you have complained to another organisation about the incident in question, please note that it will be necessary to establish whether the other organisation or the HGI is best placed to deal with the matter in the first instance. (Please see our [downloadable complaint form](#))
2. If you have started legal proceedings in relation to your complaint, the HGI cannot take action until the outcome of the proceedings is known (please see our [downloadable complaint form](#)).

## The next stage

When the RPSC receives a complaint about a therapist, the RPSC Co-ordinator in their role as Complaints Manager, hereinafter to be named the 'Complaints Manager', will complete a Complaint Assessment and Progression Matrix (CAPM), to assess the seriousness of the complaint. If a matter is assessed as suitable to do so, the Complaints Manager will initially enquire by telephone and ascertain whether the complainant would be willing to consider an informal approach. If the complainant agrees to this, the complainant will be asked what they would like the therapist to do in order to address their complaint. Then the Complaints Manager will telephone the therapist and ask whether they agree to the complainant's request. For example, if the complainant would like the therapist to apologise.

If the complainant declines this informal approach or the therapist does not agree to the request of the complainant, the Complaints Manager, with reference to the CAPM as to whether it is appropriate to do so, will ask the complainant and the therapist whether they would consider a mediated resolution, instead of a formal complaint, after having been given a brief description of what mediation is. If the complainant and the therapist agree to mediation, this would then take place.

If the complainant or the therapist declines mediation, if the mediation is unsuccessful or if it is not conducted within seven weeks, the complaint will be dealt with via the formal procedure. If during the mediation procedure the complainant brings evidence suggesting that the therapist was significantly in breach of the [HGI Code of Ethics and Conduct](#), the mediation procedure can be stopped and the complaint dealt with by the formal procedure.

Complaints about conduct that falls significantly below the standards set out in the [HGI Code of Ethics and Conduct](#) cannot be dealt with by mediation. These include complaints about:

- abuse of trust, for example, breach of professional boundaries, manipulative or predatory behaviour, financial exploitation (See [Section A](#) of the HGI Code of Ethics and Conduct)
- dishonest business practice (See [Section A14](#) of the HGI Code of Ethics and Conduct)
- professional incompetence (See [Section B](#) of the HGI Code of Ethics and Conduct)
- incapacity of a therapist resulting from mental or physical illness, including alcohol or substance misuse (See [Section A](#) of the HGI Code of Ethics and Conduct)
- criminal acts and/or convictions
- findings by a statutory regulator or an accredited voluntary register

When a therapist within a two year period has been the subject of more than two complaints that were dealt by mediation, the mediation procedure will not be followed. In this case, the complaint will be dealt with via the formal procedure.

## **The mediation procedure**

Where it is assessed that the complaint will be dealt by mediation, it will usually be expected to resolve the issue within seven weeks. The Complaints Manager will appoint a Lead and Co-Mediator from the RPSC (together to be named hereinafter 'the Mediators'). These persons will not take part in any subsequent formal proceedings. After the Lead Mediator has received the contact details of the complainant and the therapist, the Lead Mediator begins the mediation procedure.

### ***Stage 1 Engaging the parties***

The Mediators engage with the parties by spending time talking in more detail with each one; explaining to them the principles of mediation, understanding their positions and preparing them for a joint meeting. Nothing discussed in these separate meetings will be disclosed to the other party by the Mediators.

This first stage should give both parties a real understanding of what they are entering into and should allow them to make an informed decision on whether they wish to proceed. It also gives the Mediators an idea of what the issues for mediation are.

If both parties wish to proceed, a mediation meeting between the disputing parties will be arranged at either a physical venue or on-line. The decision about which method to use will be for the parties to decide. In the event of disagreement, the Mediators will make the final decision.

Before arriving at the joint meeting, the parties will have been asked to sign an agreement for mediation, which explains the process and commits all parties to confidentiality. Both parties have the right to withdraw from the meeting at any time. Both parties will have the right to be assisted by one other person, nominated by them. The Mediators will collect the agreement and answer any questions the parties have about it.

### ***Stage 2 Joint Meeting***

The issues identified for mediation will be clarified and agreed at the beginning of the joint meeting. The Mediators will outline the structure of the meeting and then proceed to invite each party to speak about their concerns, for a limited amount of time, without being interrupted.

After both parties have had an opportunity to speak, each will be given the option to respond to what they have heard, and with the Mediators' assistance, agree on the issues.

### ***Stage 3***

With agreement on the issues established, the Mediators will invite both parties to discuss each issue in turn, with the Mediators managing the conversation where needed. This will enable both parties to express their underlying interests, needs and goals for mediation. It should be noted that the mediation process can be suspended e.g. if one of the parties needed to consult with a counsellor to obtain additional help/support.

#### **Stage 4**

In establishing the common ground, it is possible for both parties to build their own agreement and move on to the fourth stage i.e. developing options and finding solutions. With agreed aims, the disputing parties are more likely to be communicating cooperatively and directly with one another, rather than through the Mediators.

#### **Stage 5**

The Mediators will help both parties think through the options for resolving the situation, including detail as to who will do what, when and where.

Any agreements made by the parties will remain confidential. These agreements will be summarised by the Mediators and the parties will be asked what they want to be written down, within the mediation contract. The contract will be accessible to others. All other notes taken during mediation will be destroyed. These include the Mediators' notes, as well as any made by the disputing parties.

A mediation session usually lasts for two hours, including a break, with a minimum of one and a maximum of seven sessions. Mediators or parties can agree upon shorter time limits.

#### **Follow-Up**

After the mediation, the Mediators will report back to the Complaints Manager on whether the process has resulted in 'agreement' (no information about what was discussed will be disclosed).

Approximately one month after mediation, the Complaints Manager will contact both parties to obtain feedback about the process, in order to assess the effectiveness of mediation and to improve the service for future users.

If the mediation is successful, the complaint will end. If it is unsuccessful, the formal procedure will commence.

### **The formal procedure**

On receipt (or assessment as to) of a formal complaint, the Complaints Manager will appoint a panel comprising two Human Givens therapists and a lay member, drawn from the RPSC, to adjudicate on the complaint, hereinafter to be named the 'panel'. The Complaints Manager will notify the therapist within two days of initial receipt of the complaint, and detailing the panel arrangements.

#### **Note:**

Numbers of days quoted in this text or annexes mean 'working days'.

### ***Initial assessment and precautionary suspension***

Via the CAPM, the Complaints Manager will have conducted an assessment of the complaint, based upon the outline details they have received. If the initial nature of the complaint indicates safety concerns, the Complaints Manager will convene the Panel immediately in order to decide whether to suspend the Therapist while the complaint is investigated

Generally, if the complaint is such that, if upheld, it could lead to suspension or removal from the register, a therapist will be suspended in order to fulfil the HGI's duty to protect clients and the public interest. Representations on suspension can be taken from the therapist. It should be noted that suspension at this point, if required, is purely precautionary in nature - it does not imply any judgment in terms of the validity of the complaint.

The Complaints Manager will then ask for submitting evidence.

### ***The submission of evidence***

When someone makes a complaint they will initially give outline details, and the Complaints Manager will ask them to supply their full case and supporting evidence within fourteen days. The complainant must ensure that their case is presented clearly and that all additional documents are included; this submission will be seen as final.

In the event that the complainant is unable to meet the fourteen day deadline, an extension may be granted (see '*Extensions*' below). In this case, the therapist will be notified of the delay and the length of extension granted.

## ***The Complainant***

After submission of their complaint, the Complaints Coordinator will acknowledge receipt of it and contact them to explain the process and complete a risk assessment. This risk assessment is to ensure that appropriate support is available to the complainant. The risk assessment will be regularly reviewed. Complainants will also be provided with a 'factsheet' setting out the process and 'signposting' other support resources available to them. The Complaints Manager will be their 'Single Point of Contact' (SPOC) for the duration of the process.

## ***The therapist***

If a therapist is notified that a client or third party has made a complaint about them, the therapist should immediately contact their Human Givens Supervisor and their professional indemnity insurers. The therapist will need to explain that they are giving early notification of a complaint and that they should have full details of the nature of the allegation within twenty eight days.

Upon receipt of a complaint, the Complaints Coordinator will be responsible for completing a risk assessment to ensure that the therapist receives the appropriate support that they need. Therapists will also be provided with a 'fact sheet', setting out what happens in the process and 'signposting' the support resources that are available to them. For example, therapists will probably want to speak to their supervisor about getting some professional and emotional support from them during the process. The therapist is permitted to speak to another HGI-registered therapist for support.

The therapist should under no circumstances attempt to contact or influence the panel and/or any other member of the RPSC at this stage or at any other point in the process, except as specifically requested to do so by the Complaints Manager.

The therapist will be instructed that on no account should they attempt to make contact with the complainant. Where it appears there could be an immediate risk to the public, the RPSC has the power to suspend a therapist from the register for an appropriate duration, thus preventing their practising as an HGI registered therapist. Such interim suspension orders will remain in place for whatever length of time is needed to deal with the complaint. Urgent protection matters are governed by the HGI's Urgent Protection Policy (UPP). Details of suspension orders are set out in *the HGI Indicative Sanctions Guidance*, which can be viewed at:

[https://www.hgi.org.uk/sites/default/files/hgi/Indicative\\_Sanctions\\_Guidance.pdf](https://www.hgi.org.uk/sites/default/files/hgi/Indicative_Sanctions_Guidance.pdf)

Before giving the requested evidence to the panel the therapist should discuss the complaint details with their supervisor. The therapist needs to plan for this, to give themselves the time to decide on what their response is going to be and to collate any evidence within the fourteen day period given. The panel cannot grant an extension to this deadline except in a limited number of exceptional circumstances (see 'Extensions' below). The therapist has to ensure that their evidence is presented clearly and all additional documents are included; their submission will be seen as final.

If the therapist's supervisor is not available, the therapist should contact the Human Givens Institute office, which will allocate a temporary supervisor.

If the therapist concludes that the complaint is justified, the therapist should write back saying that they are accepting the complaint. The therapist should offer any remedy they

think is appropriate (e.g. an apology) and also offer any mitigating evidence which may influence the panel's decision about any sanction. Please note, under the [HGI Code of Ethics and Conduct](#), that personal issues such as stress, overload etc. will not be considered as mitigation, as there is a clear emphasis on therapists having sufficient personal capacity to treat their clients.

If the therapist believes the complaint is unjustified or only partially justified, the therapist should prepare an evidence pack which includes a point-by-point narrative on the key aspects of the complaint with supporting documentation, particularly if the therapist disagrees on any points of fact. No mitigating evidence needs to be supplied at this stage - should the complaint be upheld, the therapist will be asked for that subsequently.

### ***Extensions***

It is recognised that formal complaints can be extremely stressful for both complainant and therapist. Therefore, additional uncertainty for all parties must be avoided and so the policy deadlines set, must be met. If the complainant or therapist misses a deadline for submission without being granted a formal extension, the panel will proceed to make a formal decision, only on the basis of the evidence available.

Extensions will only be granted in exceptional circumstances. These are judged on a case-by-case basis by the panel, but generally will only include major life events such as serious illness, personal injury or bereavement. Factors such as planned holidays, caregiving or work responsibilities will not usually be sufficient justification for an extension.

Where an extension is granted, official documentary evidence will need to be provided (e.g. doctor's note, evidence of bereavement). If this evidence is not provided by the time of the panel's decision, late submission will not be allowed.

If an extension has already been granted, any application for a second extension is unlikely to be successful, except in very rare cases.

### ***Case to Answer***

Upon receipt of the respective submissions, the RPSC chairs will then conduct a case to answer assessment. This is to determine whether there is a realistic prospect of a breach of the Code of Ethics and Conduct policy being proven against the therapist and will involve a review of all submissions made. The test to determine whether, or not, there is a case to answer will be the balance of probability standard.

Should it be determined that there is a case to answer, the matter can proceed to a hearing or if appropriate, dealt with by other means.

Should it be determined that there is no case to answer, the matter will then be discontinued and the respective parties informed.

### ***Complaints hearing***

If it is determined that a hearing should be held, the complainant and the therapist will be asked to present their case to the panel in person, or via video conference; it is for the panel to determine which. When deciding whether to hold a hearing in person,



the panel will consider accessibility for each party and/or the ability of each party to travel to the hearing. The two parties will present separately and will be asked not to interact with each other during the hearing.

The panel will write to both parties within seven days of receipt of the therapist's evidence, to set the date for both parties to present to the panel; panel to be held within a twenty eight-day time period. In exceptional circumstances, a panel can change this date at the request of the complainant and/or therapist (types of circumstance which will justify an extension will be similar to those set out in the section on 'Extensions', above). Both parties will be able to elect to bring one support person or adviser, if they wish to be accompanied; the support person or adviser may speak on their behalf during the hearing. Both parties will also be asked for consent for the hearing to be recorded for the panel's benefit, in order to allow for clarifications.

A Case Presentation Officer (CPO), drawn from the Institute, who has had no previous involvement with the matter, will outline the circumstances of the complaint, any relevant breach of the HGI's Code of Ethics and Conduct that applies and formally call upon the complainant to present their facts (the role of the CPO is to act as the representative of the Institute, by 'owning' the process and ensuring that the relevant facts are presented and considered). Once the complainant has given their facts, the therapist and/or their representative may then ask questions of the complainant, through the chair, in order to reduce the potential for an adversarial proceeding. The therapist will then present their facts. The CPO and/or complainant can then ask questions of the therapist, again, through the chair. The panel may also ask for further clarification from the complainant or the therapist on any points raised. The therapist, or their representative, will then 'close' the presentation of information, by summarising the case. The panel will then retire to adjudicate, considering all of the information that has been raised at the hearing and considering how it relates to any potential breach of the Code of Ethics and Conduct.

If the complainant does not appear at the hearing, the formal procedure must be postponed until the panel has investigated the reasons for non-attendance. Thereafter, the panel determines whether to proceed with the hearing or end the procedure, thereby dismissing the complaint.

### ***Adjudication***

Once the hearing has been held, the panel will adjudicate and will write to both parties within ten days, setting out their findings and describing the next steps.

Adjudication is on the basis of the "balance of probabilities". This means that the panel needs to decide on the validity of the complaint, by weighing up the evidence on both sides.

### ***If the complaint is not upheld***

If the panel decides that the complaint is not upheld, there may be no further action required and the panel will advise that the matter is closed, via a Final Adjudication Letter.

It may be the case, however, that while the complaint has not been upheld the panel decides that aspects of the complaint indicate that the therapist should improve their practice. In this case, the letter will include advice for the therapist, in terms of changing their practice and/or seeking additional training or supervision.

### ***If the complaint is upheld***

If the complaint is upheld, the panel will then move on to consider the imposition of measures and/or sanctions, which it will need to justify. For example, the panel can give general advice to the therapist, place restrictions on their practice or terminate their membership of the HGI.

The sanctions outlined below can be applied if the panel is satisfied that the complaint is upheld:

- require the therapist to comply with certain conditions while practising as an HGI therapist
- suspend the therapist from the register for a specified period
- remove the therapist's name from the register.

Full details of the measures and/or available sanctions are set out in the *HGI Indicative Sanctions Guidance*, which can be viewed at:

[https://www.hgi.org.uk/sites/default/files/hgi/Indicative\\_Sanctions\\_Guidance.pdf](https://www.hgi.org.uk/sites/default/files/hgi/Indicative_Sanctions_Guidance.pdf)

To view the HGI's policy on the publication of sanctions against therapists go to: <https://www.hgi.org.uk/therapist-register/raising-concerns/upheld-complaints>

If the sanction is limited in nature, the panel will advise of the sanction when it sends out its adjudication result. If the sanction is more serious and will affect the future professional standing of the therapist, the panel will give the therapist seven days to set out any mitigating evidence, before deciding upon a sanction. The final sanction will be decided upon and communicated within seven days from receipt of the mitigating evidence, via a Final Adjudication Letter.

### **Appeals against decisions of the Panel**

The purpose of the appeal procedure is to avoid unfair outcomes arising from poor application of the complaints procedure. It is not an opportunity for either party to ask for a second consideration on matters of fact or challenge the judgment.

The grounds for appeal are therefore limited to:

- 1) Demonstration that the RPSC or the panel has not followed the complaints procedure properly and that this process failure might have led to a materially unfair outcome.
- 2) Representation that the sanction applied was disproportionate to the findings of the adjudication.
- 3) The panel could in no reasonable way have come to the decision made on the evidence presented.

### ***The Appeal Procedure***

Either party can appeal. Applications for appeal need to be received within twenty eight days of receipt of the Final Adjudication Letter. Appeals should be marked 'Private and Confidential' and sent to the HGI Membership Secretary via e-mail to:

[complaints@humangivens.com](mailto:complaints@humangivens.com) Alternatively, you can post details of your appeal to the Membership Secretary, Human Givens Institute, Church Farm, Church Farm Lane, Chalvington, East Sussex, BN27 3TD, marking the envelope 'Private and Confidential'.

A decision about whether to grant the appeal will be made by the chair of RPSC and communicated within seven days of the application being received. If an appeal is granted, the party appealing will have a further fourteen days to provide full evidence supporting their grounds for appeal.

In the event of a successful application for appeal, the Complaints Manager will appoint an appeal panel consisting of HGI registered therapists and at least one lay member, who have volunteered to consider appeals when they arise. Appeal members are not members of the RPSC. The appeal panel will review whether the procedure followed was in line with policy and/or that the sanction applied was proportionate, depending on the grounds for appeal.

The appeal panel will consider and communicate the result of the appeal within twenty eight days of receiving the full evidence from the appealing party.

The decision of the appeal panel is final. There are no further options for appeal following the conclusion of the appeal panel and any further recourse will need to be pursued through the legal system.

### ***What happens while the appeal is being carried out?***

If the sanction in the Final Adjudication Letter includes minor redress actions (e.g. an apology) or longer-term improvements to professional practice (e.g. retraining, increased supervision requirements etc) then the sanction will not be implemented immediately but 'held' pending conclusion of the appeal.

If the sanction in the Final Adjudication Letter includes removal or suspension of the therapist from the register, suspension will be implemented or continued up until the appeal process is complete.

### **What is made public?**

If precautionary suspension is necessary, a therapist is recorded in the public register as 'suspended', pending 'resolution of the complaint'.

If a complaint is upheld, then following the Final Adjudication Letter and any subsequent appeal procedure, details of the complaint decision will be published on the Human Givens Institute website. If the sanction includes suspension or removal of the therapist from the register, this will be made public through the updating of the therapist's record.

The HGI appeals procedure can be viewed at:

<https://www.hgi.org.uk/sites/default/files/hgi/Appeal-Panel-Guidelines.pdf>