



**UK Society for
Behaviour Analysis**

UK-SBA COMPLAINTS PROCEDURE

Committee responsible: Voluntary Register Committee
Approved by: UK-SBA Board
Date approved: January 2017

Date of last review: September 2018
Date of next review: September 2019
Version number: 2

Complaints Procedure

1. Introduction

- 1.1 If a member of the public is unhappy about a service provided by a registrant we would expect them to address this with the registrant in the first instance. If the issue is not settled then a formal complaint can be made to The UK Society for Behaviour Analysis.
- 1.2 We aim to provide complainants with a clear, open and transparent complaints procedure. We expect registrants to understand and follow the ethical and professional conduct policies and procedures they signed up to when they were accepted on to the register.

2. General

We expect all our registrants to act ethically and deliver high quality services. The UK Society for Behaviour Analysis is committed to protecting the public. It is also the aim of the Society to ensure fair assessment of any complaints affecting the professional reputation of our members.

3. The Complaint

- 3.1 The complaint must be made within a year of the date to which the complaint relates
- 3.2 A complaint under this procedure can be made by
 - a) A member of the public who has received or commissioned a service from a registrant.
 - b) A current registrant who has witnessed poor practice first hand
- 3.3 The Society can only deal with complaints against current registrants and ex-registrants who were registrants at the time of the issue(s) that gave rise to the complaint.
- 3.4 The society can only deal with complaints against individual practitioners and not against organisations.

4. Process

- 4.1 The initial complaint must be sent to the UK-SBA Administrator at admin@uk-sba.org who will forward it to the Secretary of the Complaints process.

The Secretary will be appointed by the Board to oversee the procedure. All materials related to complaints should be marked confidential.

- 4.2 Any investigation will follow the procedures laid down in this document as amended by the Society from time to time.
- 4.3
- a) The complaint must be made in writing, dated and signed.
 - b) The complaint must be received by the Secretary of the complaints process.
 - c) The complainant must provide evidence that shows they have tried to resolve the issue with the individual concerned.
- 4.4 On receipt, the Secretary will check that the complaint complies with the complaints procedure sections 4.3 above and contains the relevant documentation. The complainant may be asked to provide more information if the information does not meet the criteria. The Secretary will notify the complainant stating clearly which criteria are not met. If it is accepted, the Secretary will notify the complainant and send a copy of all materials received to the registrant concerned.

5. First stage panel

- 5.1 The UK Society for Behaviour Analysis will set up and hold a list of appropriate people from which a panel of three will be drawn. The list will be held by the Secretary of the complaints process who will be responsible for administering the process. The list should contain lay persons and qualified Behaviour Analysts who are full members of the organisation.
- 5.2 The complaint will be referred to a First Stage Panel consisting of three members of which at least one will be a lay member, and one will be a Behaviour Analyst appointed by the Secretary from the list held by the Secretary. A Chair of the panel will also be appointed from the list (and could be a lay member or a Behaviour Analyst).
- 5.3 The Secretary of the panel will be responsible for ensuring that the panel members chosen have the appropriate knowledge to deal with the case and ensuring they have no conflict of interest in relation to the complainant or the registrant who is subject to the complaint.
- 5.4 Each panel member will be provided with a complete set of papers relating to the complaint as received by the Secretary of the complaints process.
- 5.5 The panel will initially meet to decide if
- a) Further information is needed, in which case they will ask for it to be submitted
 - b) The complaint is not accepted in which case the complainant and registrant will be notified by the Secretary within 7 days.

- 5.6 If the complaint is accepted, the complainant and the registrant will be notified within 7 days of the meeting that there will be a complaint hearing.
- 5.7 The initial meeting of the panel can be done electronically.
- 5.8 In order to decide if the complaint is accepted the panel must decide if
- a) The registrant has breached the code of ethics of the UK Society for Behaviour Analysis and their actions represent professional negligence/professional malpractice (e.g. inadequate services, taking on work not qualified to undertake, breaching confidentiality of service users or related documentation, plagiarism, malpractice etc. see UK Society for Behaviour Analysis Code of Ethical and Professional Conduct) and/or
 - b) The registrant has brought the profession into disrepute and undermined public confidence or public safety (e.g. inappropriate use of social media, failure to monitor risk, deception or exaggeration of credentials, lack of transparency in financial affairs etc. see UK Society for Behaviour Analysis Code of Ethical and Professional Conduct)
- 5.9 If the complainant is unhappy that the case is not accepted they can appeal against the decision within 21 days of receiving the information, but only if they can provide additional evidence to support their case and they have clear grounds to appeal. The panel may look again at the evidence. If they accept the evidence a hearing will be held. If not, the complainant will be informed that the decision is final.

6. The First Stage Panel Complaints Hearing

- 6.1 The registrant will be informed of the complaint hearing and given 30 days to provide written evidence (they will have received a copy of the complaint when it was received).
- 6.2 After 30 days, all evidence received by both parties will be copied to each party by the Secretary.
- 6.3 The Secretary will arrange for the First Stage complaints hearing to take place. The first stage panel will be asked to reconvene by the Secretary.
- a) All correspondence will be copied to the hearing members.
 - b) A suitable venue will be found.
 - c) An additional note taker who could be the Secretary will be appointed.
- 6.4 The registrant and the complainant may choose to be accompanied by a supporter. This person can support them, but may not speak on their behalf. If either party wishes to be accompanied they should indicate this to the Secretary at least 7 days before the hearing.

- 6.5 If late evidence is submitted it will be for the Chair of the hearing to decide if this can be considered.
- 6.6 It will be the responsibility of the Secretary to convene the hearing on a date that all parties can attend. If either party does not attend without notice, or good reason, the Chair can decide to go ahead with the hearing in the absence of the party.
- 6.7 In order to decide if the complaint is proven the panel must decide if
 - a) The registrant has breached the Code of Ethical and Professional Conduct of the UK Society for Behaviour Analysis and their actions represent professional negligence/professional malpractice.
 - b) The registrant has brought the profession into disrepute and undermined public confidence or public safety.
- 6.8 The decision of the hearing will be notified to all parties within 30 days of the hearing. The decision will outline any further actions that will be taken.

7. Outcomes of the Hearing

- 7.1 Details of any actions taken against registrants will be published on the UK Society for Behaviour Analysis website and on the voluntary register against the name of the registrant. The amount of detail published will reflect the severity of the actions taken and the impact of the findings on public safety.
- 7.2 Sanctions that might be imposed include
 - a) A period of training in a specified area
 - b) A referral to the registrant's supervisor for additional support
 - c) Period of probation supervised by an appropriate supervisor
 - d) Removal from the register

8. Appeals

- 8.1 The complainant cannot appeal the decision of the panel.
- 8.2 The registrant may appeal against the decision within 30 days of the date of the decision on the following grounds:
 - a) There is new evidence which was not considered.
 - b) There has been a procedural irregularity which may have affected the decision.
 - c) They feel the action taken is excessive.
- 8.3 The appeal must be in writing and must be accompanied by all supporting information and submitted to the Secretary.

- 8.4 The grounds for appeal will be decided by an independent (someone independent of the UK Society for Behaviour Analysis) appeal assessor to be appointed by the Secretary who will decide whether the appeal will be heard at an appeal hearing.
- a) If leave to appeal is granted, the Secretary will arrange an appeal hearing in conjunction with the Independent Assessor and the appeal will be considered by an independent appeals panel. The registrant and complainant will be notified.
 - b) If it is decided there are no grounds for an appeal, the registrant and the complainant will be notified in writing and the decision will be final.
- 8.5 If leave to appeal is granted, the Independent Assessor will set up an independent appeals panel consisting of the assessor and two other independent people. The secretary of the panel will act as note taker to the meeting and a fully qualified Behaviour Analyst who is a full member of the Society, with expertise in the area under review, will be appointed to advise the panel on professional and technical protocols.
- 8.6 The appeal hearing will be conducted according to the same process as the first stage panel sections 6.4 to 6.8 above.
- 8.7 The panel will decide whether to
- a) Uphold the initial decision
 - b) Modify the sanctions
 - c) Quash the initial decision
- 8.8 The decision of the appeal hearing will be notified to all parties within 30 days of the hearing. The decision will outline the appeal panel's decision.
- 8.9 No further appeals can be made