



**UK Society for
Behaviour Analysis**

UK-SBA COMPLAINTS PROCEDURE

Committee responsible: Public Protection & Benefit
Committee

Approved by: UK-SBA Board

Date approved: January 2017

Date of last review: Mar 2021

Date of next review: Mar 2023

Version number: 4

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, and/or with the registrant's employer if they have one. If the issue is not settled, then a formal complaint can be made to the administrator of the UK Society for Behaviour Analysis (UK-SBA). Our website contains [here](#) full information about the UK-SBA complaints process.
- 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.
- 1.3 Our goal is to reach a satisfactory resolution in as timely a manner as possible, using mediation, or if necessary, using a panel process.

2. General

We expect all our registrants to act ethically and deliver high quality services. The UK-SBA 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 named current registrants and named 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 complaints secretary. All emails 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, via email to the UKSBA administrator.
 - b) The complaint will then be sent to the complaints secretary.
 - c) Verbal conversations will not be viewed as a complaint – the issue must be followed up as outlined in 4a) in order to start the complaints procedure
 - d) The complainant must provide evidence that shows they have tried to resolve the issue with the individual and/or the employer concerned.
- 4.4 On receipt, the complaints secretary will check that the complaint complies with the complaints procedure sections 4.3 above and contains the relevant documentation. The complaint will also be checked against our threshold test to determine if the issue is within the scope of the UKSBA Code of Ethical and Professional Conduct, among other considerations – see our webpage [Making a Complaint](#). The complainant may be asked to provide more information if the information does not meet the criteria. The complaints secretary will notify the complainant stating clearly which criteria are or are not met. If the complaint is accepted, the complaints secretary will notify the complainant and send a copy of all materials received to the registrant concerned.

5. Mediation

- 5.1 The complaints secretary will ask the administrator to offer mediation between the complainant and registrant in the first instance.
- 5.2 The aim of mediation is to reach a resolution of the issue, to the satisfaction of the complainant, as quickly as possible. However, the complainant does not need to accept mediation, and can choose to move straight to a panel hearing (see section 6)
- 5.3 UK-SBA mediation uses the following general process:
 1. Explanation of process and scope to participants
 2. Statement of issues and initial responses
 3. Summary of issues and plan for negotiation

4. Generation of options/solutions
 5. Consideration of options/solutions and negotiations towards agreed outcome
 6. Reaching of agreement, or moving on to panel hearing
- 5.4 If mediation is chosen, the Chair of the Advisory Board will support the complainant throughout mediation, and liaise on their behalf as needed. The complaints secretary will liaise on behalf of the registrant. They will explain the details of the process and will answer questions throughout.
 - 5.5 The complaints secretary will speak with the complainant to determine the outcome they are hoping to achieve. This will be passed on in writing to the Chair of the Advisory Board.
 - 5.6 The Chair of the Advisory Board will contact the registrant using the contact details provided on the register. If they have not had a response within 10 working days, the complaint will move to the panel stage. It is the registrant's responsibility to ensure contact details are up to date.
 - 5.7 The Chair of the Advisory Board will speak to the registrant, explain the issues raised, hear initial response, and outline the outcome sought by the complainant. They will determine whether the registrant accepts the issues are correct and whether they accept the requested outcome. This will be passed on in writing to the complaints secretary.
 - 5.8 Other than the outcome summary of each discussion, all other information discussed will be treated as confidential unless there are legal or safeguarding reasons to disclose.
 - 5.9 All communication between the complainant and the registrant should be through the mediation liaisons and not through direct communication (including phone calls and emails). Mediation liaisons will respond to each stage of communication within 2 working days.
 - 5.10 The complainant can request to hold a mediated meeting with the registrant or can choose to only communicate through the mediation liaisons.
 - 5.11 The mediation process will continue for as long as progress is being made, and until the complainant is satisfied with the agreed outcome.
 - 5.12 Once the complainant has agreed in writing that they are satisfied with the agreed outcome, any actions will be put in place (e.g., contacting registrant's supervisor to request extra training, registrant writing letter to mitigate consequences), and the mediation process will be deemed complete, with no further action and no record on the register.
 - 5.13 If the complainant does not agree with the outcome, the mediation liaisons will suggest alternative outcomes and aid further negotiations.
 - 5.14 If the complainant continues to not be satisfied with proposed outcomes, or

if mediation liaisons decide that no progress is being made, and any alternative outcomes have been explored and exhausted, the mediation liaisons will advise that the complaint move to the panel hearing stage.

5.15 The complainant can also choose to move to this stage at any point throughout the process.

6. First stage panel

- 6.1 The UK Society for Behaviour Analysis will hold a list of appropriate people from which a panel of three will be drawn. The list will be held by the Public Protection and Benefit Committee and the complaints secretary will be responsible for administering the process. The list should contain qualified Behaviour Analysts who are full members of the organisation, and professional lay persons with relevant skills (e.g. solicitors, head teachers, HR professionals and so on).
- 6.2 The complaint will be brought first by the complaints secretary to the Public Protection and Benefit Committee and at that stage 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. A chair of the panel will also be appointed from the list (and could be a lay member or a Behaviour Analyst).
- 6.3 The Public Protection and Benefit Committee 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. No board members who have been part of any previous mediation process or who have otherwise had knowledge of the case, can be a panel member at this stage.
- 6.4 Each panel member will be provided with a complete set of papers relating to the complaint as received by the complaints secretary.
- 6.5 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.
- 6.6 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.
- 6.7 The initial meeting of the panel can be done electronically.
- 6.8 In order to decide if the complaint is accepted the panel must decide if
 - a) The registrant has breached the UK Society for Behaviour Analysis Code

of Ethical and Professional Conduct 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; 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; see UK Society for Behaviour Analysis Code of Ethical and Professional Conduct)
- 6.9 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.

7. The First Stage Panel Complaints Hearing

- 7.1 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).
- 7.2 After 30 days, all evidence received by both parties will be copied to each party by the secretary.
- 7.3 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.
- 7.4 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.
- 7.5 If late evidence is submitted, it will be for the chair of the hearing to decide if this can be considered.
- 7.6 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.

- 7.7 In order to decide if the complaint is proven, the panel must decide if
- a) The registrant has breached the UK Society for Behaviour Analysis Code of Ethical and Professional Conduct, and their actions represent professional negligence/professional malpractice.
 - b) The registrant has brought the profession into disrepute and undermined public confidence or public safety.
- 7.8 The decision of the hearing will be communicated to all parties within 30 days of the hearing. The decision will outline any further actions that will be taken.

8. Outcomes of the Hearing

- 8.1 Details of any actions taken against registrants will be published, where applicable, on the UK Society for Behaviour Analysis website and on the UK-SBA register against the name of the registrant under the tab "sanctions". The amount of detail published will reflect the severity of the actions taken and the impact of the findings on public safety.
- 8.2 Sanctions that might be imposed include
- A period of training in a specified area – not published on register
 - A referral to an appropriate supervisor for additional support – not published on register
 - Period of probation supervised by an appropriate supervisor – published on register
 - Removal from the register – published on register
- 8.3 Each complaint will be judged on its own merits, however if multiple complaints regarding the same registrant occur and are upheld, this may impact the level of sanction imposed

9. Appeals

- 9.1 The complainant or registrant may appeal against the decision within 30 days of the date of the decision on the following grounds only:
- 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.
- 9.2 The appeal must be in writing and must be accompanied by all supporting information and submitted to the complaints secretary, who will take it before the Public Protection and Benefit Committee for consideration.
- 9.3 The grounds for appeal will be decided by an independent appeal assessor

- (a new person from the panel list, independent of the UK Society for Behaviour Analysis) to be appointed by the Public Protection and Benefit Committee which 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.
- 9.4 If leave to appeal is granted, the Independent Assessor will set up an independent appeals panel consisting of the assessor and two new people from the panel list, independent of the UK-SBA. A secretary will be assigned, and the secretary of the panel will act as note taker to the meeting. 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.
- 9.5 The appeal hearing will be conducted according to the same process as the first stage panel sections 6.4 to 6.8 above.
- 9.6 The panel will decide whether to
- a) Uphold the initial decision
 - b) Modify the sanctions
 - c) Quash the initial decision
- 9.7 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.
- 9.8 No further appeals can be made