



**UK Society for
Behaviour Analysis**

UK-SBA COMPLAINTS PROCEDURE

Committee responsible: Public Protection & Benefit
Committee

Approved by: UK-SBA Board

Date approved: Sept 2022

Date of last review: Mar 2021

Date of next review: Sept 2024

Version number: 5

UK Society for Behaviour Analysis (UK-SBA)

Complaints Procedures

Complaints about someone on the Register

1. Introduction

- 1.1 If a member of the public, another professional, another organisation or body or another registrant is unhappy about a service provided by a UK-SBA registrant, they can raise their concern or complaint with the UK-SBA. Complainants may wish to address this with the registrant in the first instance, and/or with the registrant's employer if they have one. However if the issue is not settled, or this is not possible or safe then a formal complaint can be made to the Complaints Secretary of the UK-SBA via email at complaintssecretary@uk-sba.org.
- 1.2 We aim to provide complainants with a clear, open and transparent complaints procedure. We expect registrants to understand and follow the UK-SBA Code of Ethical and Professional Conduct and the UK-SBA Complaints Procedure when 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 an independent complaints panel who will oversee mediation if appropriate, or who will chair a panel hearing in order to reach a conclusion based on the evidence provided.
- 1.4 If anyone raising a concern or making a complaint wishes, they can request an Independent Advocate to increase access and help them through the process. The Independent Advocate will be a member of the Independent Expert Advisory Group (IEAG). Help could include help drafting the concern or complaint, overseeing or dealing with any subsequent correspondence, raising issues with the process, attending any meeting with or on behalf of the service user, or any other advocacy or support requested.
- 1.5 If During the process, if anyone involved perceives there to be a conflict of interest (including the complainant, registrant, panel member or advocate), this can be raised with the Chair of the Public Protection and Benefit Committee via email at admin@uk-sba.org at any point throughout the process, and their concern will be overseen by a member of the IEAG to ensure impartiality at all times. This would be a layperson with expertise in Governance/Complaints with no affiliation with Behaviour Analysis.

- 1.6 If it is declared or found that the Complaints Secretary, and/or the Chair of Advisory Committee (who are key to leading the process) have a conflict of interest, a new Board member will substitute for the Complaints Secretary, and a new member of the Advisory Board will substitute for the Chair of the Advisory Committee.

2. General

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

3. The Complaint

- 3.1 The complaint must relate to the ethical and professional practice of the Registrant, as described in the UK-SBA Code of Ethical and Professional Conduct:

<https://uk-sba.org/wp-content/uploads/2022/09/UK-SBA-Code-of-Ethical-and-Professional-Conduct-Jul-2022.pdf>

This would include any safeguarding concerns but would not include contractual issues regarding payment, holidays and so on. For more information on these issues please visit our 'For the Public' section on our website:

<https://uk-sba.org/about-behaviour-analysis/information-for-parents-carers-new-to-aba/>

Please note, any urgent and or/serious concerns regarding safety should also be reported to the Police and/or local safeguarding teams. Please visit our webpage for suggested contacts:

https://uk-sba.org/register-as-a-behaviour-analyst/complaints-procedure/making-a-complaint/?doing_wp_cron=1663167159.7721381187438964843750

- 3.2 A complaint under this procedure can be made by anyone who has received or witnessed poor practice. This includes:
 - a) A member of the public who has received or commissioned a service from a registrant.
 - b) A current registrant who has come into contact with a registrant
 - c) Another professional who has come into contact with a registrant
 - d) A member of the public who has come into contact with a registrant
- 3.3 The Society can only deal with complaints against named current registrants
- 3.4 The Society can only deal with complaints against individual practitioners

and not against organisations, who should have their own complaints processes.

4. Process

- 4.1 The initial complaint must be sent to the UK-SBA Complaints Secretary complaintssecretary@uk-sba.org. 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 UK-SBA Complaints Secretary at complaintssecretary@uk-sba.org who will send a form to be completed which will capture the relevant details.
 - b) Verbal conversations will not be viewed as a complaint – the issue must be followed up as outlined in 4.3 a) to start the complaints procedure.
 - c) If the complainant has tried to resolve the issue with the individual and/or the employer concerned, this evidence should be provided.
- 4.4 In the first instance the Complaints Secretary will do an initial assessment regarding any potential safeguarding risk, and if concerned will raise this with the Chair of the Public Protection and Benefit Committee, who will seek advice from a trained Safeguarding Lead as appropriate. Any advice given will be actioned, including suspending the registrant from the Register pending investigation, and alerting other relevant bodies including the police, if needed.
- 4.5 Assuming no safeguarding concerns on receipt, the Complaints Secretary will check that the complaint complies with the complaints procedure sections 4.3 above and contains the relevant documentation.
- 4.6 The Complaints Secretary will inform the Registrant that a complaint has been made, from this point the Complaints Secretary will liaise with the Registrant. The Chair of the Advisory Board will liaise with the Complainant. The Registrant will be asked to respond in writing to the complaint.

5. Independent Complaints Panel

- 5.1 The UK Society for Behaviour Analysis will hold a list, of people with appropriate skills and experience (e.g. solicitors, head teachers, HR professionals and so on) to advise. This list of people is the Independent Expert Advisory Group (IEAG). One person from the IEAG will be part of the panel. The list will be held by the Public Protection and Benefit Committee

and the Complaints Secretary will be responsible for administering the process.

- 5.2 The Complaints Secretary will put together a panel of three, to include an expert from the IEAG, a Consumer of services with relevant skills/experience to the complaint and a qualified Behaviour Analyst who is a full member of the organisation. A chair of the panel will also be appointed (and could be a lay member or a Behaviour Analyst).
- 5.3 The Complaints Secretary will be responsible for ensuring that the panel members chosen have the appropriate knowledge to deal with the case and in 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 Complaints Secretary.
- 5.5 Each panel member will confirm in writing that all information will be strictly confidential unless necessary to disclose, and that any conflict of interest will be declared.

6. Initial Panel Meeting

- 6.1 The independent complaints panel will again confirm whether there is any safeguarding risk, and again if so will act to inform the relevant external bodies and may suspend the registrant from the Register pending investigation.
- 6.2 The panel will decide if
 - a) The complaint is accepted within the scope of the UK-SBA
 - b) The complaint is not accepted within the scope of the UK-SBA, in which case the complainant and registrant will be notified by the secretary within 7 days.
 - c) Further information is needed, in which case they will ask for it to be submitted within 21 days.
- 6.3 The initial meeting of the panel can be carried out electronically.
- 6.4 In order to decide if the complaint is accepted the panel must decide if:
 - a) The registrant has potentially breached the UK-SBA 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 potentially 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-SBA Code of Ethical and Professional Conduct)
- 6.5 If the complaint is accepted as being within the scope of the UK-SBA, the complainant and the registrant will be notified within 7 days of the meeting that there will either be a period of mediation or a complaint panel hearing.
- 6.6 The next step will either be mediation (see section 7) or continuation of the panel hearing process (see section 8)
- 6.7 If the complaint is not accepted as being within the scope of the UK-SBA, the complainant will be notified within 7 days
- 6.8 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. 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. Mediation

- 7.1 The Chair of the Advisory Board will offer mediation to the complainant in the first instance, and this decision will be passed on to the panel at the first meeting.
- 7.2 The aim of mediation is to reach a resolution of the issue, to the satisfaction of the complainant, as quickly as possible. Mediation is particularly useful in instances where communication has broken down, or there have been potential misunderstandings. However, the parties do not need to accept mediation, and can choose to move straight to a panel hearing (see section 8)
- 7.3 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
- 7.4 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.

- 7.5 The Chair of the Advisory Board will speak with the complainant to determine the outcome they are hoping to achieve. This will be passed on in writing to the Complaints Secretary.
- 7.6 The Complaints Secretary will contact the registrant using the contact details provided on the register. If a response is not received 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.
- 7.7 The Complaints Secretary 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 Chair of the Advisory Board.
- 7.8 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.
- 7.9 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.
- 7.10 The complainant can request to hold a mediated meeting with the registrant or can choose to only communicate through the mediation liaisons.
- 7.11 The mediation process will continue for as long as progress is being made and until the complainant is satisfied with the agreed outcome.
- 7.12 Once the complainant has agreed in writing that they are satisfied with the agreed outcome, the Complaints Secretary and Chair of the Advisory Board will present the notes from the mediation to the Panel, including the potential actions (e.g., contacting registrant's supervisor to request extra training, registrant writing letter to mitigate consequences).
- 7.13 If the Panel agree with the potential actions, and have no further concerns, the mediation process will be deemed complete, with no further action and no record on the register.
- 7.14 If the complainant does not agree with the outcome, the mediation liaisons will suggest alternative outcomes and aid further negotiations.
- 7.15 If the complainant continues to not be satisfied with proposed outcomes, or if mediation liaisons decide that no progress is being made, and all alternative outcomes have been explored and exhausted, the mediation liaisons will advise that the complaint move to the Panel Hearing Stage.
- 7.16 The complainant can also choose to move to the Panel Hearing Stage at any

point throughout the process.

8. Complaints Panel Hearing

- 8.1 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).
- 8.2 After 30 days, all evidence received by both parties will be copied to each party by the Complaints Secretary.
- 8.3 The Complaints Secretary will arrange for the Panel Hearing to take place in person or remotely. They will also arrange for:
 - a) All correspondence to be copied to the hearing members.
 - b) A suitable venue if the meeting is in person.
 - c) An additional note taker (who could be the Complaints secretary)
- 8.4 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. The UK-SBA can also arrange an Independent Advocate expert from the IEAG in assisting with access. If either party wishes to be accompanied, they should indicate this to the Complaints Secretary at least 7 days before the hearing.
- 8.5 If late evidence is submitted, it will be for the chair of the hearing to decide if this can be considered.
- 8.6 It will be the responsibility of the Complaints 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 Panel Chair can decide to go ahead with the hearing in the absence of that party.
- 8.7 To decide if the complaint is proven, the panel must decide if:
 - a) The registrant has breached the UK-SBA 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.
- 8.8 The decision of the hearing will be communicated to all parties within 14 days of the hearing. The decision will outline any further actions that will be taken.

9. Outcomes of the Hearing

- 9.1 Details of any actions taken against registrants will be published where applicable on the UK-SBA 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.

9.2 Sanctions that might be imposed include:

Possible Sanction	
Further Training	Registrant receives a period of training in a specified area Not published on Register
Further Supervision	Registrant receives a period of supervision in a specified area Not published on Register
Probationary Supervision	Registrant works under mandatory supervision for specified period of time Published on Register
Suspension from Register	Registrant is suspended from the register as an interim action pending investigation or as an outcome of an investigation Published on the Register
Removal from Register	Registrant is removed from the register <i>NB: we are not able to stop someone working who is not on our register. However those on our register are held to high standards and insurances may be affected</i>

All UK-SBA registrants have signed up to the Code of Ethical and Professional Conduct, and any registrants found to be using harmful, degrading, painful or dehumanising punishment procedures will be removed from our register

Approximate Timescales** ** dependent on the availability of all parties	
Action	Time
Initial Complaint	10 working days at stage 1 (<i>with a further 10 days for more complex complaints or additional time if an advocate is required</i>)

First Stage Panel Meeting	30 days
Mediation (if agreed)	10 working days at stage 1 (<i>with a further 10 days for more complex complaints or additional time if an advocate is required</i>)
Parties informed of outcome	5 working days
First Stage Panel Hearing	30 days
Decision sent to Parties	14 days after the hearing
Right to Appeal	30 days of receiving the outcome

10. Appeals

- 10.1 The complainant or registrant may appeal against the decision within 30 days of the date of the correspondence informing them 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.
- 10.2 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 a newly drawn panel for consideration. Again this new panel will comprise of a member of the IEAG, a consumer and a Behaviour Analyst from the UK-SBA register.
- 10.3 The grounds for appeal will be decided independent of the UK Society for Behaviour Analysis, and they will decide whether the appeal will be heard at an appeal hearing based on whether the appeal potentially meets one of the grounds outlined.
- 10.4 If leave to appeal is granted, the Complaints Secretary will arrange an appeal hearing and the appeal will be considered by the new panel.
- 10.5 The registrant and complainant will be notified.
- 10.6 If leave to appeal is granted,
- 10.7 The appeal hearing will be conducted according to the same process as the first stage panel section 8 above.
- 10.8 The panel will decide whether to:
- a) Uphold the initial decision

- b) Modify the sanctions
- c) Quash the initial decision

10.9 The decision of the appeal hearing will be notified to all parties within 14 days of the hearing. The decision will outline the appeal panel's decision.

10.10 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.

10.11 No further appeals can be made

Complaints about the UK-SBA

11.

11.1 If you wish to make a complaint about the Society, or any of its operations or personnel, please email full details and enclose any supporting documentation to complaintssecretary@uk-sba.org

11.2 Any such complaint will be discussed within the Public Protection and Benefit Committee, which will include oversight by an Independent Expert Advisory Group (IEAG), not consisting of any members of the UK-SBA, our registrants or consumers of Behaviour Analysis. This group of independent experts will review your concern, and you will then be informed of any actions taken.

Complaints about Behaviour Analysis

12.

12.1 If you have a question or concern about Behaviour Analysis (ABA/PBS) in the UK, please email complaintssecretary@uk-sba.org with your concerns.

12.2 Here at the UK-SBA we are particularly keen to reach out and hear from past and present service users from protected groups, to hear their views in order to inform the ongoing development of our field.

Complaints about Professionals who are not UK-SBA Registrants

13.

13.1 The UK-SBA can only investigate complaints about UK-SBA registered members or the UK-SBA itself. If you have a complaint about a practitioner who is not a UK-SBA member but is a member/employee of a different organisation, please consider contacting the organisation with whom they are affiliated.

Other useful contacts can be found on our website:

https://uk-sba.org/register-as-a-behaviour-analyst/complaints-procedure/making-a-complaint/?doing_wp_cron=1663167159.7721381187438964843750