

APPENDIX B

THE SITE FOR CONTEMPORARY PSYCHOANALYSIS MEMBERS' CODE OF CONDUCT

*Pertaining to how members act towards each other
and relating to the associated Organisational (Grievance) Procedure*

PART 1: INTRODUCTION

As members of The Site for Contemporary Psychoanalysis ["The Site"], we are expected to be familiar with this Code and to conduct ourselves with due regard to The Site's objectives, its good name and reputation and the rights of others. Although Site members are generally expected to act responsibly, it is important for everyone to be confident that there is a clear resolve to deal with any instances that might contravene the Members' Code of Conduct, below.

The *Members Code of Conduct* [the "Code"] provides a framework, underpinned by and linked to The Site's Organisational Complaints (Grievance) Procedure, through which members of The Site community can work together to create a positive environment in which these important values can be realised. We hope that by following the Code of Conduct and understanding the reasons behind it, members will be able to make the most of The Site's experience. The Code of Conduct does not, however, deal with issues related to members' misconduct or behaviour pertaining to clinical practice, which are addressed in The Site's *Code of Ethics and Conduct* (incorporating the mandatory code of practice) (see pp. 8-11).

PART 2: CODE OF CONDUCT

- 2.1 The Members Code of Conduct provides the primary definition of what constitutes appropriate and inappropriate conduct or behaviour for members of The Site.
- 2.2 The Code of Conduct applies to behaviour:
 - 2.2.1 While engaging in any Site activity
 - 2.2.2 While addressing and engaging with other Site members on matters relating to The Site or other professional issues
 - 2.2.3 While representing The Site
- 2.3 Failure to comply with the Members Code of Conduct constitutes misconduct and may result in members being referred to The Site's Organisational Complaints Procedure.
- 2.4 Guiding Principles Regarding Good Conduct.
Members should:
 - 2.4.1 Behave in a responsible and courteous manner designed to foster mutual respect and understanding between all members of The Site.

2.4.2 Not behave in any way which may be considered threatening or unduly disruptive, or being likely to lead to injury or physical or serious emotional harm to any of its members.

2.4.3 Act within the law and not engage in any activity or behaviour likely to bring The Site into disrepute.

2.5 Guiding Principles Regarding Misconduct

The Site considers the following inappropriate conduct to constitute misconduct that is likely to lead to disciplinary proceedings. The list should not be considered to be exhaustive:

2.5.1 Failure to respect the rights of others to freedom of belief, orientation or practices, or freedom of speech

2.5.2 Unfair discrimination against the others' gender, race, ethnic background, culture, (dis)ability, sexual orientation, age, religion, socio-economic status or any other factor (as specified in the Equality Act 2010)

2.5.3 Violent, disorderly, threatening, bullying, or offensive behaviour or language whilst engaging in any Site activity, representing The Site or addressing verbally or in written form other Site members

2.5.4 Serious acts of fraud, deceit, deception or dishonesty in relation to The Site or their members

2.5.5 Any action likely to bring The Site into disrepute

2.5.6 Serious disruption of, or improper interference with, the administrative, training, social or other activities of The Site

2.5.7 Harassment of any kind (as specified in the Equality Act 2010) towards a member, or authorised/invited visitor to The Site

Minor misconduct, if repeated, may be regarded and therefore dealt as if more serious.

PART 3: FUNCTIONS AND POWERS OF THE ETHICS COMMITTEE PERTAINING TO THE ORGANISATIONAL COMPLAINTS (GRIEVANCE) PROCEDURE

The functions and powers of the Ethics Committee shall be:

- 3.1 To receive all potential complaints under the Organisational Complaints (Grievance) Procedure alleging any breach by a member of the mandatory standards of the Members' Code of Conduct set out in Part 2 of the Code of Conduct (see pp 19-20 and also the Organisational Complaints (Grievance) Procedure).

PART 4: ORGANISATIONAL COMPLAINTS (GRIEVANCE) PROCEDURE

4.1 Introduction

The purpose of this procedure is to provide a structure and process to facilitate Site members to resolve workplace disputes or conflicts occurring between members when working for or in relation to The Site. It is not intended to be used in conflicts of an (inter)personal nature. This procedure relates to Members' Code of Conduct. It does not deal with psychotherapists' (who are UKCP or non-UKCP registrants) and trainees' conduct in relation to violations of the Code of Ethics and Conduct and it should, therefore, be distinguished from The Site's Complaints' Procedure.

In addition, The Site has a statutory Grievance Policy for employees as required by law. This statutory policy shall take priority in any grievance between employees and members. The Site has an appeals procedure for trainees.

4.2 Informal Resolution

Where a member has difficulty with another member or members, or with a Site committee or other group or group member arising out of their voluntary work for The Site, the member should first discuss it directly with the person(s) concerned. If the difficulty remains unresolved or persists then the member may raise it as a grievance.

Where a member's grievance is unresolved after discussing it directly with those concerned or where the member does not feel able to approach those concerned directly without support, the member should raise the matter with the Chair of Council to clarify what course of action to take.

If the grievance concerns the Chair of Council or Council then the member should raise the matter with another Site Officer. Note that when the Chair of Council is referred to hereafter and the grievance is against them or Council then this section shall apply.

In the first instance, The Chair (or other Site Officer) shall discuss with the member how best their grievance can be resolved. This may include facilitating them to raise the issue with the member(s) or group(s) to which the grievance relates.

If the grievance affects more than one member, each individual should raise their grievance separately. Only with the agreement of the Chair of Council or where the grievance is about the Chair of Council or Council can a grievance be raised collectively. Even if this is agreed, the informal process may involve separate meetings with all aggrieved parties.

It is The Site's intention to consider all grievances as soon as possible. However, members need to be mindful of the fact that the Site is managed by volunteers and meetings may take longer to organise (see also Notes 1 & 2, p 25).

If the member's grievance is not resolved through the informal route detailed above or the member considers the matter to be more serious, they may raise it as a formal grievance. The grievance must be set out in writing to the Chair of the Ethics Committee. This will include the member's (now known as the complainant) written consent for their grievance

to be sent to the person(s) against whom the grievance is raised (now known as the respondent[s]). The respondent will be sent a copy of the grievance within one week of the receipt of the grievance, where practically possible. If the complainant refuses to give consent for the grievance to be sent to the respondent, then the Ethics Committee cannot continue with the Organisational Complaints (Grievance) Procedure.

If consent is given, the Chair of the Ethics Committee will discuss the organisational complaint in confidence with other members of the Ethics Committee. The Ethics Committee will then nominate someone from the Ethics Committee to meet with the complainant (*within twenty one days from the time of receipt of the complainant's grievance letter*) to try to understand what has happened, what the complainant is looking for as a reasonable outcome/resolution and to attempt to resolve the issue without recourse to a formal Organisational Complaints (Grievance) Procedure. The member of the Ethics Committee will always be accompanied, e.g. by a note-taker who may also act as a witness. The complainant is entitled to be accompanied by a fellow member.

The Member of the Ethics Committee who interviews the complainant will then send a report to the Ethics Committee (*within one week from the time of the meeting*) giving additional details of the grievance and the outcome of the interview. A copy of this report will be sent to the Chair of the Ethics Committee, the complainant and the respondent (*within one week from the time of the meeting*).

4.2.1 Informal Mediation If the above meeting does not resolve the issue then mediation will be considered. The Member of the Ethics Committee, accompanied by a note taker, will then meet with the respondent and they will have the opportunity to comment on any findings. The respondent is entitled to be accompanied by a fellow member. The member of the Ethics Committee who interviews the respondent will then send a report to the Chair of the Ethics Committee (*within one week of the time of meeting*). A copy of this report will be sent to the respondent and the complainant (*within one week of the meeting*). Neither the complainant nor the respondent will be charged a fee for these interviews.

When considering mediation the Committee will need to establish if both parties to the grievance agree to the mediation process. This will involve the Chair of the Ethics Committee contacting the complainant and the respondent to explore the reasons of both parties for agreeing to this process. There should be a record of these contacts. The decision to offer the mediation process rests with the Ethics Committee and it will only be offered in cases where there is a wish for and a likely outcome of resolution. If either party or the Ethics Committee decides not to proceed to mediation and the complainant wishes to pursue their grievance this will be confirmed in writing. Then the formal process: Grievance Panel (see below) will be considered.

If it is decided to offer mediation then the Chair of the Ethics Committee shall inform the Chair of Council. They will then arrange a mediation meeting (or meetings) between the complainant, the respondent and two members of the Ethics Committee. A note-taker will be present and the subsequent report from the meeting will need to be agreed by all participants. The final report from the mediation meeting(s) shall be sent to the Ethics Committee and the complainant and respondent.

If mediation resolves the issue then no further action is necessary.

4.3 Formal Process: Grievance Panel And Formal Hearing

4.3.1 Grievance Panel If either party and/or the Ethics Committee decided not to proceed to mediation or if mediation did not resolve the issue, then the Chair of the Ethics Committee shall refer the grievance to a panel, who shall assess the facts and determine whether there is a case to answer in respect of the said grievance, by considering whether the facts complained about would, if established, be sufficient to constitute a serious grievance on the grounds brought with the case.

The panel will aim to meet within 21 days of the completion of the mediation process or within 21 days of either party or the Ethics Committee's formal notification of the decision not to proceed to mediation (see also Notes 1 & 2, p 25).

The panel shall consist of two persons, one member of The Site with a minimum of five years post-qualifying experience (excluding members of the Ethics Committee) and one person external to the Site with suitable knowledge and experience (e.g. in legal related work). Any determination that there is a case to answer in respect of a formal grievance shall be unanimous.

When the Chair of The Site is informed by the panel of their decision, they shall immediately notify in writing the two parties and Council of their decision. If the panel is satisfied that the grievance discloses a case to answer, the Chair shall invite the two parties to a formal hearing within The Site.

If the panel is not satisfied that the grievance discloses a case to answer, including that the matter is trivial, the grievance shall be dismissed.

If the panel cannot arrive at a decision, either of the two parties may ask the Chair of Council to refer the case to an appeal panel (as described below).

4.3.2 Formal Hearing For a formal hearing the Chair of Council shall set up a formal hearing panel consisting of three persons: a member of Council (excluding the Site's Chair), a member of The Site with a minimum of five years post-qualifying experience (excluding members of the Ethics Committee), and one person external to the Site with suitable knowledge and experience (e.g. in legal-related work). Any person with conflicting interests shall be excluded from the formal hearing panel. The same applies if the formal grievance is against a committee or group.

At the formal grievance hearing either party may be accompanied by a supporter provided that the support is fair and equitable between the two parties. The three panellists may consult the investigation notes and any other material relevant to the case. They may ask The Site's Chair to make available specialist advice and documentation (e.g. matters of law, contractual).

The three panellists will share their views with the two parties. They may suggest that the matter can be resolved by way of conciliation or they may arrive at adjudication.

If the way of conciliation is acceptable to the complainant(s) raising the grievance and to the respondent(s) another meeting may be held to work out a solution acceptable to both parties (*within 4 weeks*). A solution arrived by conciliation following from a formal hearing shall be final.

The three panellists may ask The Site's Chair to make available mediation or arbitration conducted by an external service (as named for mediation in the Site's Complaint's procedure). Attendance shall be paid by The Site for as many hours as approved by the Chair of Council and The Site's Treasurer (provided these roles are not shared) in consultation with the external services, then at the two parties' expenses. A solution arrived at by such Alternative Dispute Resolution shall be final.

If the panel arrives at adjudication, the outcome may range from dismissing the grievance, to issuing formal warnings. In exceptional cases the panel may apply a disciplinary sanction as found in The Site's Complaints' Procedure (part 5). The panel who heard the case shall inform the two parties in writing of its decision in response to the grievance, within 3 weeks.

A note-taker should be present at meetings of the panel and at mediation so that records are made of the proceedings.

Where the member raises a grievance in good faith and the grievance is not subsequently upheld no further action shall be taken either way. However, if the Chair of Council considers that a complainant(s) has raised or persists in raising false, malicious or vexatious grievances, they may ask the panel to consider bringing an appropriate disciplinary action against the complainant(s).

If the three panellists' decision is not acceptable to either party, then either has the right to appeal.

4.3.3 Appeal Meeting If the complainant(s) raising the grievance or the respondent(s) wish to appeal against the adjudication decision, the party must set out in writing the ground of their appeal by writing to the Chair of The Site.

The party will then be invited to attend another meeting with a panel consisting of three persons: a member of Council (excluding The Site's Chair and members of the previous panel), a member of The Site with a minimum of 5 years post-qualifying experience (excluding members of the Ethics Committee and members of the previous panel) and a person with qualifications and experience which are deemed suitable to hearing the said appeal who may be a member of The Site or external to The Site, as determined by Council. This must exclude members of the previous panel. Any person with conflicting interests shall be excluded from the panel. A note-taker shall be present to record the proceedings of the appeals' panel meeting.

After the meeting both parties shall be informed of the appeal panel's decision in writing. This decision shall be final.

4.4 Appeals to CPJA Ethics Committee

Either party, if they are UKCP registrants, may appeal to the Ethics Committee of the Council for Psychoanalysis and Jungian Analysis (CPJA) if they believe that The Site has not followed its Occupational Complaints (Grievance) Procedure correctly. This is the only grounds for appeal to the CPJA Ethics Committee.

NOTES 1 & 2: THESE ARE APPLICABLE TO BOTH THE ORGANISATIONAL COMPLAINTS (GRIEVANCE) PROCEDURE AND ALSO THE COMPLAINTS PROCEDURE

Note 1 - Holiday Periods

Site complaints and grievance hearings or formal or informal meetings and mediations will not be arranged during these holiday periods:
Months of July and August, 2 weeks over Christmas and 2 weeks over Easter.

Note 2 - Limit on concurrent procedures

Site complaints and grievance procedures are run by volunteers in their spare time. There is a limit to the number of complaints and grievances that The Site can run concurrently: 2. The maximum number may at any time be determined jointly by the Chair of Council and the Chair of Ethics Committee. Any complaints and grievances that arrive after this number has been exceeded will be deferred and dealt with on a first come, first served basis giving priority to complaints under the Site's Complaint's Procedure.