



Association for Family &  
Systemic Psychotherapy

# Raising a Concern or a Complaint Policy and Procedure

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**[www.theafsp.org](http://www.theafsp.org)**

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# Raising a Concern or a Complaint Policy and Procedure

## 1. Introduction

The Association for Family and Systemic Psychotherapy (AFSP) is the leading professional association for Family and Systemic Psychotherapists in the UK. We develop and grow our professional community, champion their work, and make sure that the ideas of family and systemic psychotherapy have a greater influence and positive impact on all our lives.

To do this we accredit family and systemic training courses, run by external training providers. We support AFSP members who are qualified therapists to apply for professional registration with the United Kingdom Council for Psychotherapy (UKCP) and we help them meet the requirements for continuous professional development through the provision of webinars, training and publications.

- This policy and associated procedure, **applies mainly to non-registered AFSP members**, and outlines the guidance and principles which underpin the way in which concerns and complaints are lodged and managed. **If the concern or complaint relates to a registered AFSP member, you need to contact their Professional Registration Body** e.g. *UKCP, HCPC, NMC, BACP*. This is because these bodies set standards in relation to practice and even though the register is voluntary, it is accredited by the Professional Standards Authority. AFSP membership alone does not confer any professional status.
- If you are training and have a complaint about something to do with your course, then you must use the university or training provider's feedback and complaints procedures.
- The process of managing a concern or complaint includes the monitoring of diversity, so that AFSP can analyse and report this information to understand and address any inequities.

There is a separate **Compliments, Concerns or Complaints Policy** for raising an issue about AFSP itself as an Organisation.

The Concern or Complaint Policy and Procedure (CCPP) is the main process we use for considering a concern or complaint reported about AFSP members. We are able to resolve concerns and complaints in various ways through the CCPP, and we aim to do this in the most appropriate way to deal with your issue as promptly as possible.

The CCPP uses the civil standard of proof, i.e. 'balance of probabilities', and sets out how AFSP handles a concern or complaint from beginning to end. If you prefer a paper copy, please just let us know.

## 2. Raising a concern or complaint

**Concern:** feeling worried, nervous or anxious about something, or something that makes you feel troubled about an issue or situation.



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**Complaint:** something that is deemed unsatisfactory or unacceptable.

## 2.1 What types of concerns and complaints can we deal with?

AFSP will hear complaints in the following circumstances:

**A breach of AFSP Membership requirements (all categories of membership, regardless of qualification):** Any person who brings attention to allegations of a breach of the AFSP membership Code of Ethics and Practice. For example, breaching rules on presentation of qualifications, data management or conduct. In the event of a complaint regarding a data breach the Complainant will also be advised to report to Information Commissioner's Office [ICO].

As AFSP is not a professional registration body or training provider, we do not hear complaints against:

- Clinical services or therapeutic practice where the practitioner is registered with UKCP or another professional body.
- Students or trainees' practice
- Training institutions or course providers

If, for any reason, there are concerns about the conduct of a therapist, the following routes can be used:

- Try to discuss these with the therapist, and/or, in the case of an agency, with the therapist's manager
- Follow the Agency or Trust/Health Board Complaints Process
- Contact the therapist's Professional Registration Body e.g. *UKCP, HCPC, NMC, BACP*, All fitness to practise complaints of UKCP registrants are handled directly by UKCP's Central Complaints process: [How to make a complaint against a UKCP registered Psychotherapist](#)

## 2.2 Who can make a complaint?

Under our CCP, you can raise a concern, or a complaint if you are:

- A member of the public who has sought or received a service provided by a current member of AFSP
  - A current member of AFSP who may bring complaints for services sought or received directly from another member; or has witnessed poor practice delivered by another member, or on behalf of another person where their written permission has been obtained, and where that person is unable to bring a complaint on their own behalf (explanation is required in writing as to the nature of the inability), or



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- A legal guardian or other appropriately authorised adult on behalf of a minor and/or adult lacking legal capacity for services sought or received.
- A third party who can demonstrate sufficient interest and who has been directly affected by the comments or actions of the member

If you raise a complaint but do not meet any of the criteria listed in s2.2, your complaint will be investigated internally. However, you will not be updated on how this investigation progresses.

### 2.3 Frivolous, Vexatious or Malicious Complaints

All complaints will be treated seriously. However, under these rules a complaint may be rejected at any time, if in the Professional Standards Manager or Ethics Committee's opinion, the complaint is frivolous, or vexatious. Vexatious complaints can cause substantial disruption to our work and can take up a disproportionate cost and time to handle. Vexatious complaints may also be used to describe complaints that are persistent, frivolous or malicious. You will be notified in writing with an explanation.

You will be informed that AFSP will not enter into any further communication concerning the complaint. All correspondence received by you will be retained in accordance with AFSP's data retention policy.

Even if your complaint is found to be vexatious this does not preclude you from raising a separate complaint. This is important as we may deal with individuals who may be going through a difficult time or who are unwell and may genuinely not think that their complaint is vexatious. AFSP acknowledges the role that trauma may play as processing difficult experiences can cause strong feelings. Whether a complaint is vexatious will be determined on a case-by-case basis. In assessing this we will have regard to:

- whether its primary purpose is to cause distress, disturb or pressurise
- whether the complaint seeks to revisit matter(s) already responded to. This includes situations where a multiple associated complaints are received with minor variations
- whether there is an unwillingness to follow normal procedures and/or repeated attempts to contact senior staff or officers
- whether there is a refusal to provide information requested relevant to the complaint
- whether the administrative burdens are proportionate to the issues raised
- any intimidating, aggressive or threatening behaviour



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## 2.4 Limitation Period

There is a three-year limitation period for making a complaint. The three years starts from the date that you believe the member has broken AFSP's Code of Ethics and Practice.

This is because as time passes your recollection of what has happened becomes less reliable, and records may have been destroyed.

## 3. What should I do before raising a concern or complaint?

Wherever possible, we encourage you to contact the member that you have a concern or complaint about to try and resolve the issue directly with them.

AFSP encourages the resolution of differences between yourself and the member through mediation and discussion with the Professional Standards Manager (PSM), before entering formal conduct procedures. The Professional Standards Manager is able to give advice to anyone considering making a complaint. If for any reason you feel that the Professional Standards Manager may not be able to fully understand your position, e.g.

if an issue relates to a particular aspect of diversity, you can ask to be contacted by someone from AFSP's Equality, Diversity and Inclusion Committee.

If you are unable to complete the formal complaint form due to the distress you are experiencing, this can be co-produced with the Professional Standards Manager or, if different, your main point of contact at AFSP.

Concerns and Complaints should be submitted to the Professional Standards Manager. Submissions should be sent via the AFSP Office, 7 Executive Suite, St James Business Centre, Wilderspool Causeway, Warrington, WA4 6PS or via email: [hello@theafsp.org](mailto:hello@theafsp.org)

## 4. How complaints are handled

When a concern is raised, where possible and appropriate, mediation will be offered. Mediation takes place with the involvement of a third party, a mediator, in a dispute to assist both sides in negotiating a jointly acceptable resolution to issues in conflict. If mediation is not appropriate, proves unsuccessful, one-party refuses mediation, or if the Professional Standards Manager determines that a mediation process is not suitable for the case, a formal complaint may be made.

Mediation can only take place prior to an official complaint being received by AFSP. Once an official complaint has been received there is no other option but to follow the complaints procedure.



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## 4.1 Registered and Non-registered Members

**The formal complaints procedure only applies to AFSP's Non-registered members, i.e. those who are not registered with a registering body which regulates the profession.**

For members who are part of a registering body, you are advised to report any concern or complaint to their relevant body, e.g UKCP, HCPC, NMC, BACP.

AFSP will follow the lead of any relevant registering bodies by mirroring their action if it learns that a member is being investigated under their complaints process, and/or has an Interim Suspension Order in place pending investigation (an Order which means that the member has been suspended whilst the complaint is investigated) or is subject to legal action. If the Order is against a member who is also a Supervisor, they will be expected to take a break from providing supervision until an outcome has been decided.

In order to provide clinical supervision, AFSP expects its Supervisors to have consistently worked within clinical and family practice for the number of years specified in the Red Book for Supervisors. They need to complete the set amount of clinical work referred to.

Any action under this policy and procedure may be suspended until other relevant organisations, the courts, or employer have been concluded. If the same concern or complaint is raised with another organisation, etc, the Professional Standards Manager will liaise with the relevant organisation or body until their processes have been concluded.

When choosing to delay hearing the concern or complaint, the Professional Standards Manager must weigh your interests, the member's and the wider public before deciding on the appropriateness of doing so. This decision can be reviewed at any time and reasonable notice must be given to the member that AFSP's procedure is resuming. If a concern or complaint has not been upheld by another person or organisation, the Professional Standards Manager may choose not to consider a complaint that is based substantially on the same issue/s.

## 4.2 How do I make a formal complaint?

Where resolution through mediation is not possible, AFSP's formal complaint form should be completed. If there are any issues with completing this form help can be sought from the AFSP office. We can only act on complaints that are sent by letter or email with full name and contact details, including postal address, to the AFSP office via post or email.



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### 4.3 Once a complaint has been received:

You will then be contacted to advise that:

- a) We will inform both you and the member of the receipt of the complaint and its nature in writing, within 14 working days from the date of receipt.
- b) At all stages you will be kept informed. If, for whatever reason, it is not possible to deal with a complaint within the published timescale then you will be informed and provided with an explanation.
- c) Clarify details of the complaint. You must identify and refer to relevant parts of the Code of Ethics and Practice that you think have been breached. Assistance can be sought from the AFSP office or Professional Standards Manager if necessary. There is help available if you need any assistance, e.g. with reading, writing, or in completing the complaints form. Reasonable adjustments will be made for disability, e.g. if you are unable to complete the form.
- d) The member will be advised to seek advice from their employer, trade union, or other advocate.
- e) We will send a copy of these Procedures to you and the relevant member.
- f) The complaint will be referred to the Ethics Committee.

4.3.1 The Professional Standards Manager is available throughout the process to support and assist you, the member who the complaint is about and any witnesses.

4.3.2 For members; in addition to the support they can seek from their Supervisor, there is peer support available, and the Professional Standards Manager can be contacted for more information.

4.3.3 The Professional Standards Manager can direct a complaint to the Ethics Committee if an interim suspension order to suspend membership from AFSP may be deemed necessary, e.g. if it has been informed by another body, employer, police, that an investigation is underway and if it is satisfied that it must do so in order to protect members of the public. This is based on a public protection risk assessment relating to protecting the public from potential harm. It considers the relative likelihood that an offence or harmful act has occurred/will occur, and the relative impact or harm of the offence, what exactly might happen, to what or whom, under what circumstance and why (also see s4.1).

4.3.4 AFSP itself has the right to raise a concern or complaint with a regulatory body and AFSP's Professional Standards Manager if it is



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brought to its attention that a member is in possible breach of its Code of Ethics and Practice.

## 4.4 The Formal Complaints Process

We aim to deal with all complaints fairly and respectfully.

The Professional Standards Manager will request that any evidence both in support and defence of the complaint be submitted prior to the case being passed to a member of the Ethics Committee to review.

Useful supporting evidence will usually include where relevant:

- Dates of the incident(s) (including exact time and dates if possible)
- Locations where the incident(s) took place (including name and address of the organisation where possible)
- Details of who was present (including colleagues or any other witnesses)
- Copies of contemporaneous notes and statements of anyone who witnessed the events alleged
- Any relevant local policies
- Details of other sources of evidence in support of the allegation, where the evidence that can be provided by the witness is limited.

All information should be pertinent and presented in such a manner that ensures confidentiality and impartiality in relation to person/s involved. This will include ensuring that permission has been acquired to share information such as copies of emails.

### 4.4.1 First Stage:

All evidence received from both sides will be submitted to a member of the Ethics Committee who will review the complaint within eight working weeks of receipt. As a result of this the Ethics Committee member can decide that:

- No Further Action is required in relation to the complaint.
- Advisory Letter. If a member accepts that they have breached AFSP's Code of Ethics and Practice and it is viewed as a minor breach, we will send a letter advising the member the way they can improve their practice or conduct. This will remain on the member's record for three years (see s2.4) and will be taken into consideration if we receive any similar complaints.
- Concerns remain and a formal hearing is required.



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Whichever the outcome, both you and the member will be notified in writing with an explanation.

### 4.4.2 Second Stage:

The case will be sent to the Complaints Panel. The Complaints Panel will be Chaired by the Professional Standards Manager, and the Panel will comprise of three Committee members. One member of the Registration Committee, one member of the Equality, Diversity and Inclusion Committee and one member of the Ethics Committee. The member of the Ethics Committee who sits on the Panel must be different to the Ethics Committee member who reviewed the case at the First Stage. However, the Ethics Committee member who investigated at the First Stage may attend if considered relevant to answer any questions.

## 4.5 Complaints Panel Hearing

These hearings can take place either face-to-face or online to expedite the proceedings and will be held in private.

- 4.5.1 Panel hearings shall be minuted or recorded. Both you and the member shall be entitled to see a copy of the full transcript of the hearing in its entirety.
- 4.5.2 If the Panel decides that, based on the information provided, a formal hearing is unnecessary, it will offer the member the opportunity to accept the allegation without a hearing, or of entering a plea of mitigation or further relevant evidence, and to accept the actions and decisions of the Panel without making a formal appearance before it.
- 4.5.3 If the member refuses the offer in 4.5.2, or if the Panel decides that a formal hearing is necessary, it will give the member the opportunity to appear before it and to present their case, for which they shall be entitled to be represented. This could be a friend, Union or legal representation which would be at the member's expense.

## 4.6 Notice of Hearing

- a) The Professional Standards Manager will give written notice to both you and the member of the date, time and place of the Panel hearing.
- b) Notice of the hearing shall not be less than 4 working weeks from the date set.



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- c) Both you and the member will be asked if you want to submit any more evidence in support of your case.
- d) During a hearing the agenda can be scheduled so that you and the member appear at different times, to try and avoid any contact that may be distressing. However, in normal circumstances both of you will appear at the same time in order to ensure that the hearing is just and equitable. When one of you is talking the other must remain silent unless asked to speak, or it is their turn to present their case.
- e) If you decide to withdraw your complaint before the hearing date, the complaint can still be heard if the Ethics Committee has decided that there is a case to answer.

### 4.7 Postponement of Hearing

- a) If the hearing needs to be postponed due to unforeseen circumstances both you and the member will be informed as soon as is practical and given notice of the revised date, time, and place.
- b) Either you, a witness, or the member has the right to challenge a member of the Panel for a perceived conflict of interest. If this happens, and the challenge can be evidenced or justified, the Chair will ask the Panel member to leave the hearing, and it may have to be postponed.

### 4.8 Process

The Panel will be formally opened by the Chair, subsequently the agenda shall follow with:

- Introductions
- You or your representative will present the complaint. If a representative is taking part their name should be given to the Professional Standards Manager at least 5 working days before the date of the hearing.
- The Member/s against whom the complaint is made will be provided an opportunity to admit or deny the allegations and present any mitigating factors or new evidence that has emerged since the investigation.

If none, or only some, of the allegations are admitted the Panel shall proceed as follows:

- The Panel will have the opportunity to ask questions of the Ethics Committee member who reviewed the complaint and the member against whom the complaint is made.



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- You and the member can also ask questions of each other (under direction of the Chair).
- Any witnesses can be asked questions by the Panel.
- Private deliberation of the Panel (any member against whom the complaint is made and their representative step out of the meeting).
- At the sanction stage the Panel may reasonably take into account any previous history of allegations, hearings, or findings against the member.
- The member against whom the complaint is made and their representative return, and the Chair outlines the outcome and next steps.

### 4.9 The Decision

The Panel will determine whether the allegations are proved or not. If any of the facts are found proved, the Panel will then decide whether the facts found proved amount to misconduct and/or constitute a breach of AFSP Code of Ethics and Practice.

If the members of the Panel cannot agree, the determination of the Panel will be that of the majority of its members. The Chair does not take part in the decision. The Panel may ask for additional enquiries to be undertaken at any point if it decides that this will aid its consideration of the case.

The decision of the Panel will be final unless an appeal is launched.

If the Member resigns from AFSP at any point during this process, the case will continue in their absence and the outcome held on file. Should they subsequently re-apply for membership then this will be taken into account.

### 4.10 Outcomes

The Complaints Panel may consider the following recommendations:

- The complaint is not upheld: No further action
- The complaint is upheld: Remedial action and or restorative action is undertaken, such as disciplinary action, suspension of membership.

This should not be considered an exhaustive list of possible outcomes as others may have a better fit depending on the nature of the complaint.

## 5. Appeals

Either you or the member may appeal against the decision made by the Panel in writing, within 14 working days of the date of the written notification of the decision, setting out the grounds of the appeal.



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## 5.1 The Appeal

5.1.1 The appeal should be sent to the CEO of AFSP marked 'for the attention of addressee only'.

5.1.2 Either you or the member may appeal if:

- a) New evidence may be produced which was not available at the time of the hearing.
- b) There is reasonable concern that the complaints process has not been followed correctly.
- c) The recommendations of the Panel are deemed disproportionate to the complaint.

5.1.3 No decision made at the Panel hearing shall take effect before the time limit for appealing against the decision has expired, or where an appeal has been made, before this has been considered and an outcome advised.

5.1.4 If the member does not appeal but then fails to comply with the sanctions imposed by the Panel, cessation of membership is automatic.

## 5.2 Notice of Hearing

- a) The Professional Standards Manager will give written notice to both you and the member of the date, time and place of the Panel hearing.
- b) Notice of the hearing shall not be less than 4 working weeks from the date set.

## 5.3 The Appeals Panel

This will comprise three members, including one from the Ethics Committee, and two who may be drawn from the wider membership. If a complaint is made against an Ethics Committee member, then the Appeals Panel membership will be drawn from other committees, e.g. Equality Diversity Inclusion Committee (EDI), Professional Affairs Committee (PAC).

The appeal will not be heard by anyone who has had previous involvement in the case.

You and the member will be invited to attend an Appeal Hearing. Both of you are permitted to bring a representative to accompany you to this hearing. The



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representative can be a Union representative; the Chair must be informed as to who will be in attendance at least 5 working days in advance.

The Appeal Hearing will, where practicable, occur no later than 8 working weeks after notification of the receipt of the appeal evidence. The Appeal Hearing will not be a full re-hearing of the case.

5.3.1 The Appeals Panel will sit in private.

### 5.4 Outcomes of an Appeal

After review of the appeal the Appeals Panel may:

- a) Uphold the decision/s of the Panel
- b) Revoke the decision/s of the Panel
- c) Change the decision/s of the Panel

The Appeals Panel's decision and the reasons for the decision, with reference to any findings of fact, shall be provided in writing to both of you by email, normally within 14 working days of the decision being determined. If it is not practicable to provide the decision and the reasons for the decision within this timescale, both of you shall be informed of the reason for the delay and a new timescale shall be provided.

The decision of the Appeal Panel will be final and binding.

## 6. Support

As stated in sections 3 and 4.3, our aim is to offer support to both sides throughout this process. If at any point you feel you need more support, please contact us we will be happy to talk with you about it.

## 7. EDI Statement

AFSP is committed to promoting equality, diversity and inclusion. The policies and procedures are aimed to be free from any form of discrimination, fair, transparent and objective.



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## Appendix A Indicative Sanctions

### Possible decisions:

**No case to answer** – The case does not need to go any further and is closed.

**Advisory letter** - If a member accepts that they have breached AFSP's Code of Ethics and Practice and it is viewed as a minor breach, we will send a letter advising the member the way they can improve their practice or conduct. They may be asked to apologise or undertake training. This will remain on the member's record for three years (see s2.4) and will be taken into consideration if we receive any similar complaints.

**Interim Suspension Order** - This has been given by a member's registering body, or an allegation against a member has been referred to Stage 2 but a decision has not yet been reached. This may happen if we are satisfied that we must do so to protect members of the public and is based on a public protection risk assessment. This relates to protecting the public from harm. It considers the relative likelihood that an offence or harmful act has/will occur, and the relative impact or harm of the offence-what exactly might happen, to what or whom, under what circumstances and why. Consideration should be made to:

- a) the circumstances of the offence.
- b) The type and vulnerability of the victim if there is one.

**Suspension** – This is for a maximum of 2 years. Suspension has a deterrent effect and can be used to send out a signal to the member, the profession and public about what is regarded as inappropriate conduct for an AFSP member. Suspension will be an appropriate response to misconduct, which is sufficiently serious that action is required in order to protect clients, colleagues and maintain public confidence in AFSP and the profession. The length of suspension is a matter for the Panel's discretion, depending on the gravity of the particular case. The Panel must provide reasons for the period of suspension chosen, including the factors that led them to conclude that the particular period of suspension was appropriate.

This sanction may be suitable when some or all of the following factors are apparent, for example:

- A serious breach of the Code of Ethics and Practice where the misconduct is irreconcilable with continued membership. Expulsion would not be in the public interest, but it is so serious that any sanction lower than a suspension would not be adequate to protect the public interest.
- Where the member demonstrates potential for supervision and/or retraining.
- There has been no evidence of similar incidents or behaviour.



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**Expulsion** – For a maximum of five years. The Panel can end a member's membership where this is the only way of protecting clients and the general public. This includes upholding public trust and confidence in AFSP and the profession. Expulsion is likely to be suitable when the behaviour involves any of the following (this list is not exhaustive):

- Reckless regard for the principles set out in the Code of Ethics and Practice and/or client safety.
- Being responsible for serious harm to others, either intentionally or through incompetence and especially where there is a continuing risk to clients or the public.
- Infringement of a client's rights/taking advantage of vulnerable people.
- Offences involving violence.
- Dishonesty, especially where persistent and/or concealed.
- Putting own interests before those of clients.
- Persistent lack of reflection into seriousness or actions or consequences.