Facilitation and mediation process
Introduction

Facilitation and mediation are types of Alternative Dispute Resolution (ADR) and are an important part of how we manage complaints at UKCP. These processes focus on open/positive communication and are a way for clients to raise their concerns with their therapist in a safe and contained environment. They offer a flexible way for clients and their therapists to explore and resolve differences, make decisions about the future of their therapeutic relationship, and make plans for future learning and prevention.

Facilitation and mediation are voluntary processes that emphasise a co-operative and constructive way forward for everyone involved. Each therapeutic relationship is unique, and this policy sets out the different approaches that can be used by clients and their therapists to resolve differences together and facilitate early resolution. This process sits alongside our Complaints and Conduct Process (CCP), and can be used for complaints that do not meet the threshold of the CCP.

We believe that most issues can be explored in facilitation or mediation; however there may be some situations in which these processes are not appropriate – for example, in situations where the alleged behaviour is about serious conduct issues or safeguarding concerns. If this is the case, UKCP may decide that the CCP is the most suitable way to address the matter, and will advise you accordingly.

Benefits of facilitation and mediation

Facilitation and mediation can address issues quickly and simply and provide a meaningful outcome.

They allow everyone involved the chance to be heard and understand the issues from another point of view.

They can help those involved feel more empowered by giving them control of the decision-making process.

They can offer resolutions that are specific to the particular relationship or dispute in question.

They can help the therapist understand why a complaint was made and consider what they could have done differently.

They can resolve conflict in a way that strengthens the therapeutic relationship or provides a safe and conclusive ending.

They can deliver long-term learning for those involved and the wider psychotherapeutic profession.

They can help resolve issues in a confidential and private manner.
Alternative Dispute Resolution and the Complaints and Conduct Process

As a charity and voluntary regulator, we have a duty to protect the public. One of the ways that we do this is by addressing professional conduct issues through the CCP. The CCP is by necessity a formal and legalistic process and is used for complaints that suggest that there is a real risk to the public if the therapist continues to practice without restriction. These are complaints where it is alleged that the therapist has breached UKCP’s Code of Ethics by way of misconduct. In these circumstances, it would be inappropriate for us to try to resolve the matter informally without a proper investigation.

From 2013-2017, only a small amount of the formal complaints we received met the criteria to be referred for further investigation under the CCP. Facilitation and mediation provide a mechanism for the other the remaining complaints to be resolved in a fair and transparent way, without the stress and anxiety of the formal complaints process.

Complaints that do not satisfy the criteria of the CCP can be considered for facilitation and mediation. If you are unsure which process is the most suitable for your concerns, please contact a member of our complaints team who will be glad to help.

The scope of the ADR process

Anyone can request mediation or facilitation through this process if:

• the therapist is a full-clinical UKCP member; and
• the therapist was a member of UKCP at the time the incident occurred; and
• the complaint or dispute in question has not already been, or is currently being, considered by another regulator.

Facilitation and mediation should normally be requested within three years of the conduct that form the subject of the dispute.
Before you begin

Before you apply for mediation or facilitation with a third party, it can be helpful to try to address the issue at an early stage. Below are some different options that may help you to resolve things directly in a quick and simple way.

**Talk to your therapist**

Often the easiest way of resolving a concern with your therapist is talking about the issue with them. Sometimes a therapist may not realise that there may be an issue, and by expressing your concerns to them, they have an opportunity to acknowledge the issue and put things right. Speaking face-to-face also increases the chance that both you and your therapist will understand each other’s point of view. This can be done during your next scheduled session; or you could call or write to your therapist and ask to arrange a time to meet them to discuss your concerns.

**Write to your therapist**

In some circumstances, you may not feel comfortable raising your concerns with your therapist face-to-face. In these situations, it may be helpful for you to put your concerns in writing, which can be given to the therapist in your next session; emailed or mailed to them; or even read to them in your next session. You could ask your therapist to respond to you in writing if you like, but it’s likely that your therapist will need to speak with you about your concerns in order to fully explore the issues.

**Talk to the UKCP team**

Our complaints team are trained to deal with not only complaints, but also to provide procedural advice and listen to concerns. Our team can make suggestions about the best avenue for your particular concerns, and can help with signposting you to other organisations (if relevant). We can also discuss how you might approach your therapist, and can explain our Complaints and Conduct Process and facilitation and mediation in more detail. Our team can be contacted on 020 7014 9978 or 020 7014 9494, or by email at complaints@ukcp.org.uk.

If you’ve tried to resolve things directly with your therapist, but are still unhappy, you can apply to have the help of a third party.
Facilitated discussions

Sometimes it is not possible to resolve conflict without the help of a third party. Some of the benefits of having a third party in the room are:

- To help everyone involved feel more supported to communicate openly.
- To offer another point of view.
- To help guide conversation toward resolution.

UKCP has a pool of trained facilitators to help therapists and clients to have difficult conversations in a safe and contained environment. Facilitators focus on open and co-operative communication, and help everyone involved to have their say and work toward an agreed resolution.

The benefits of working with a facilitator are:

- Facilitators are local to your area and can meet with you in a comfortable environment.
- Facilitators are UKCP-trained and are experienced psychotherapists.
- Facilitators may be trained in the same kind of therapy that you are receiving, if that is important to you.
- Facilitated discussions are free of cost.
- Facilitated discussions are less structured than formal mediation, giving greater flexibility for you to reach a desirable outcome.

If you believe facilitation may be helpful, please fill out the ‘Facilitation and mediation request form’ that is located on the UKCP website. The form should include details of everyone involved, details of the disagreement or concern, and some details of what you would like to get out of the facilitation session.

After we receive your request form, we will consider whether the issue is suitable for facilitation. If so, we will contact everyone involved to confirm that they are willing to participate in a facilitated discussion about the dispute.

We will then put you in touch with one of our trained Facilitators who will work with everyone involved to set the scope and boundaries of the meeting, and organise the logistics. After the meeting, the facilitator will agree a summary of the session with everyone involved. This will be provided to UKCP for learning and development purposes.

For more detail on confidentiality of the session, please see page 6.
Mediation

If you do not think that a facilitated discussion is likely to resolve your dispute, please speak to a member of the Complaints Team so that we can explore whether formal mediation may be more appropriate. Formal mediation is more structured than facilitation, and can help with situations that are particularly high-conflict or volatile, or have been going on for a long time.

A formal mediation meeting will have an agreed structure and boundaries, and may take place over several hours. The mediator will be from a third-party organisation, and will be a professional mediator (who may or may not also be a psychotherapist). Parties may be asked to make a contribution to the cost of the mediation.

Mediation may involve face-to-face communication, but can also be conducted separately. At the conclusion of a formal mediation session, the parties should conclude their dispute and agree any actions that need to take place after the mediation finishes. They may choose to sign a written agreement confirming this.

If the issue is considered suitable for mediation, UKCP will instruct a mediator and organise a time and place for the mediation. We will always try to arrange a venue that is local for everyone involved, although this may not always be possible. The mediator will agree the boundaries and process that will be followed with all parties before the meeting takes place.

After the meeting, the mediator will agree a summary of the session with everyone involved involved. This will be provided to UKCP for learning and development purposes.

Confidentiality

Conversations that happen during facilitation and mediation are generally confidential. This is to allow matters to be explored and discussed in a very open way, without either party worrying about what they are or are not saying.

However, there are two exceptions to this:

- Firstly, if all of the people involved agree, we will be able to see the details of the final agreement reached in mediation. This will help us to learn for future cases and help show the benefits of the ADR process.
- Secondly, if anything is mentioned in facilitation or mediation that raises serious safeguarding concerns, or professional conduct issues that are in the public interest to investigate, the mediator may need to provide us with details of the session or alert the authorities. This is because we are duty-bound to protect the public and investigate serious concerns, and in these circumstances it may not be appropriate for mediation to continue. If this happens, you will be informed by UKCP or the mediator.
Resources

If you need advice or support during this stage of the process, you can contact one of the following organisations:

For clients:

Citizens Advice: CA provides free, independent, and confidential advice to everyone about their rights and the problems they may be facing. CA may also be able to help you put your concerns in writing if you are unable to do so yourself.

Support Empower Advocate Promote: SEAP’s advocacy services can help you get your voice heard if you feel let down by your local health or social care service, or if you feel that you are facing disadvantage or discrimination with regard to care or treatment.

Samaritans: the Samaritans can help you explore your options, talk through your concerns, or just be there to listen.

SANE helpline: SANE provide emotional support and information to anyone affected by mental illness, and can help you get the support you need.

Clinic for Boundary Studies: the Clinic for Boundary Studies provides specialist support services for people who have been harmed by a healthcare professional.

Together: Together provide advocacy services to help people with mental health issues make their views heard.

For therapists:

In addition to the above organisations, therapists can also contact:

Your training organisation or college: your training organisation or college can provide independent support and advice for those going through a complaints process or ADR.

Psychotherapy and Counselling Union: the union is an organisation which can provide support services to psychotherapists who are undergoing a complaints or disciplinary process.

Professional indemnity insurers: your professional indemnity insurers will be able to provide legal advice and support for your mediation.

Psychologist Protection Society: the PPS provides members with assistance when complaints are received from clients and other professional protection matters.

Equality and diversity statement

UKCP is committed to promoting equality, inclusion and diversity, and works to ensure that its processes are fair, transparent, objective and free from discrimination. UKCP expects that everyone who is acting for UKCP uphold these values.