

EUROPEAN MENTORING & COACHING COUNCIL (EMCC)

COMPLAINTS & DISCIPLINARY PROCEDURE

1. Introduction

- 1.1 The EMCC have agreed an Ethical Code to guide its members and those involved in coaching and mentoring in the way they should be conducting their activities. The Code sets out what the client can expect from the coach/mentor in either a coach/mentoring, training or supervisory relationship.
- 1.2 All EMCC members are committed to functioning from a position of dignity, autonomy and personal responsibility. It recognises that the primary responsibility of the coach/mentor is to provide the best service to the client and to act in such a way as to cause no harm to clients and sponsors. The Code defines what this means under the following headings:
 - Competence
 - Context
 - Boundary Management
 - Integrity
 - Professionalism
- 1.3 The EMCC recognises that there may be occasions when its members do not meet the requirements of the Code. This procedure is designed to allow people to make complaints of professional misconduct by EMCC Members and for such complaints to be properly investigated by the EMCC.
- 1.4 This document sets out:
 - What can be investigated as a complaint
 - How to make a complaint
 - How a complaint will be dealt with.

Appendix 1 sets out in summary the process detailed in this document that is to be followed from receipt of a complaint.

2. The Ethics Committee

- 2.1 The European Mentoring & Coaching Council has a standing Ethics Committee, whose role is to oversee the Code of Ethics. This will involve formally reviewing the Code on an annual basis and overseeing the operation of this Complaints and Disciplinary Procedure.
- 2.2 The Committee will comprise five members of the EMCC, one of whom will be appointed Chair by the Executive Board.

3. Resolving Issues Through Discussion & Facilitation

- 3.1 The EMCC encourages the resolution of concerns about a member's professional conduct directly, if this is appropriate and achievable. Complainants should first approach the individual or organization concerned about their complaint. The EMCC will act as facilitator if this is helpful. Complainants and/or those complained against may ask the EMCC to act in this capacity. Requests to that effect should be directed to the Chair of the Ethics Committee at the EMCC (details below).
- 3.2 If the matter is not resolved to the complainant's satisfaction in this way, then they should make a formal complaint in the way described below.

4. What Constitutes A Complaint?

- 4.1 A complaint can be investigated if:
 - The complainant has first approached the individual or organization in question and sought to resolve the issue, or bring about the necessary change in behaviour (see above).
 - It is being made about a coach/mentor or organization that is a member of the EMCC
 - It is a matter relating to professional conduct
 - The complaint is not being made anonymously
 - The matter is not already the subject of court proceedings
 - The alleged violation of the Code should normally have taken place in the last 12 months or have been reported no later than 6 months after the end of the coaching relationship.
- 4.2 In exceptional circumstances and at the discretion of the Committee, the time limits above may be waived. The Ethics Committee's decision in such circumstances will be final.

4.3 Contact details for the EMCC are as follows:

Sherwood House, 7 Oxhey Road, Watford, Herts WD19 4QF

Tel: 07000 234683 Fax: 07000 234689

Email: info@emccouncil.org

Website: www.emccouncil.org

5. Making a Complaint

- 5.1 All complaints must be made in writing. The complaint should detail the allegation of professional misconduct and those parts of the Code of Ethics that the complainant thinks have been breached. Any documents or other evidence that supports the complaint should be included, but will be returned if requested.
- 5.2 The complaint should be sent to the EMCC and marked for the attention of the Chair of the Ethics Committee. A note acknowledging receipt will be sent back to the complainant within 7 days. A copy of the complaint will be sent at this point to the person complained against.

6. Assessing the Allegation

- 6.1 Initially all complaints will be considered by an Investigatory Panel comprising two members of the Ethics Committee and a third person appointed by the Chair of that Committee. This Panel will be set up by the Chair of Ethics Committee within 21 days of receiving the complaint.
- 6.2 The Investigatory Panel will contact the complainant and/or person complained against if necessary for further information or clarification of any points. The members of the Investigatory Panel must declare any knowledge of the case or the individuals associated with it and they may be asked to stand down if it is felt that this might be seen as potentially impacting on the impartiality of the Panel.
- 6.3 Within 14 days of being appointed the Investigatory Panel will present an opinion to the chair of the Ethics Committee, who in turn will recommend that either:
- There is reason to believe that there may be a breach of the Code of Ethics and the complaint should be taken forward to the next stage of the procedure.

- There has been a breach of the Code, but of a minor nature. No formal disciplinary action will be taken, but the EMCC member will be asked to undertake corrective action, which may involve training and/or supervision.
- There is no evidence of a breach and the complaint should not be taken further.

6.4 In cases where the Investigatory Panel recommend that the complaint should not be taken forward, the Chair of the Ethics Committee will write to the complainant and the person complained against in these terms within 7 days. Where it is agreed that the complaint should be taken forward, the Chair of the Ethics Committee should proceed as set out below.

6.5 All direct or indirect communications between members of either the Investigatory or Hearing Panels (should one subsequently be formed as part of the process) and any of the parties involved in the complaint must be recorded.

7. Disciplinary Procedure

7.1 The Chair of Ethics will be responsible for actioning the following within 7 days:

- Informing the EMCC Member complained against that a case has been made in which a breach of the Code of Ethics may have occurred
- Sending a copy of any further information submitted to the Panel to the Member complained against
- Requiring the member complained against to make a written response to the allegations within twenty-eight days of receiving notification of the alleged breach
- Appoint a Hearing Panel to determine the outcome of the complaint.

7.2 If the EMCC member recognises that the actions complained about do not conform to the EMCC Code of Ethics, they will make appropriate changes to the way in which they go about doing their work immediately.

7.3 No member of the EMCC can proffer their resignation whilst a complaint is outstanding against them.

8. Hearing

- 8.1 The Ethics Committee will appoint a Hearing Panel of three people other than the original Investigators. One of the Panel should be from outside the membership of the EMCC. Members appointed to the Hearing Panel have a duty to declare any interest that may threaten their impartiality.
- 8.2 The names of the members of the Panel shall be notified to both parties in advance. Each has the right to ask one member of the Panel to stand down, but they will need to justify their request. In such an event an alternative member shall be appointed by the Ethics Committee.
- 8.3 A formal Hearing Panel will be scheduled to take place within eight weeks of its appointment. Both parties will attend the hearing, usually at the same time. Whilst waiting for the Hearing, it is recommended that the complainant and person complained against refrain from any direct communication related to the matter in question. Each party may be accompanied by a supporter who may represent them. The final arrangements for the Hearing Panel are at the discretion of the Panel Chair.
- 8.4 All written evidence and submissions must be circulated to the Hearing Panel members, the complainant and the person complained against not less than ten days before the hearing date. The Panel Chair will ensure that all parties have adequate opportunity to present their case. The Panel Chair may invite witnesses to attend to answer questions about their written submissions.

9 Findings

- 9.1 At the end of the Hearing, the Panel determines whether or not a breach of the Code of Ethics has occurred. If no breach has occurred, the Panel Chair will notify both parties accordingly within 7 days of the Hearing and will also advise the Chair of Ethics.
- 9.2 Sanctions may include but are not limited to the following:
 - ❖ A warning or requirement to effect improvement in practice in a specific way, or to take suitable actions such as further training or additional and/or specific supervision, any of these to be completed within a specified time frame
 - ❖ Suspension of accreditation, authority to supervise or train, recognised status or membership for a set period or until certain conditions are met, this to be ratified by the Ethics Committee

- ❖ Termination of accreditation, authority to supervise or train, recognised status or membership. This is to be ratified by the Ethics Committee and confirmed by the Executive Board of the EMCC.
- 9.3 In ratifying the decisions of the Hearing Panel, both the Ethics Committee and the Executive Board will be assessing that the disciplinary and complaints procedure has been properly followed. The information they receive should reflect their role at this stage in the process and the need to protect the confidentiality of those involved.
- 9.4 In the event of sanctions being necessary, the Report of the Hearing Panel will be sent within 7 days to the Chair of the Ethics Committee
- ❖ In the event of sanctions that are within the remit of the Hearing Panel, the Chair of Ethics will advise the complainant and the EMCC member complained against accordingly within 14 days of the Hearing.
 - ❖ In the event of sanctions requiring Ethics Committee ratification, the Report of the Hearing Panel will be circulated in confidence to the Ethics Committee within 14 days of the Hearing and the decision of the Committee will be taken within another 7 days. The Chair of Ethics will then notify the complainant and the EMCC member complained against accordingly within 28 days of the Hearing.
 - ❖ In the event of sanctions requiring Ethics Committee ratification and Executive Board confirmation, a report from the Ethics Committee will be circulated in confidence to the Executive Board members within 28 days of the Hearing and the decision of the Executive Board will be taken within another 7 days. The Chair of Ethics will then notify the complainant and the EMCC member complained against accordingly within 42 days of the Hearing.

10. Appeals Procedure

- 10.1 The complainant or the person complained against may appeal against the recommendation of the Hearing Panel. No new evidence will normally be accepted in the consideration of the appeal. However, in exceptional circumstances and with the agreement of the Chair of the Ethics Committee, new evidence or heads of appeal may be admissible. To initiate an appeal, either party should write to the Chair of the Ethics Committee at the address given in paragraph 3.2 within 28 days of receiving the findings of the hearing.
- 10.2 Appeals will be heard by an External Moderator appointed by the Chair of the Ethics Committee within 8 weeks of receiving notification of the appeal. He or she will review the case and will communicate their findings to the Chair of the Ethics Committee and the two parties in the case. The Moderator's findings will be final and binding on both parties.

Appendix 1

STEP BY STEP PROCEDURE GUIDE

	Procedure	Timescale
Stage 1	<p>Upon receipt of the complaint:</p> <p>1a Send acknowledging receipt back to complainant (5.2)</p> <p>1b Send copy of complaint to person complained against (5.2)</p>	<p>Within 7 days of receiving the complaint</p> <p><i>(1 week from receipt of complaint)</i></p>
Stage 2	<p>2a Chair of Ethics Committee to set up an Investigatory Panel to consider the complaint (6.1)</p> <p>2b Investigatory Panel will present an opinion to the Chair of Ethics (6.2)</p>	<p>Within 21 days of receiving the complaint</p> <p><i>(4 weeks)</i></p> <p>Within 14 days of being appointed</p> <p><i>(6 weeks)</i></p>
Stage 3	<p>3a Where it is recommended that the complaint should not be taken forward, Chair of Ethics will write in these terms to the complainant and the person complained against (6.4)</p> <p>3b If the complaint is to go forward, the Chair of Ethics will inform the EMCC member complained against, ensure they have all information concerning the case and ask them to respond in writing within 28 days (7.1)</p> <p>3c Appoint a Hearing Panel to determine the complaint (7.1)</p> <p>3d Ensure that the written response is received from the member complained against (7.1)</p>	<p>Within 7 days of the Investigatory Panel reporting</p> <p><i>(7 weeks)</i></p> <p>Within 28 days of the Chair of Ethics writing to the Member</p> <p><i>(11 weeks)</i></p>

Stage 4	<p>4a Hearing Panel to take place (8.3)</p> <p>4b All written evidence and submissions to be circulated to all parties (8.4)</p>	<p>Within two months of its appointment (19 weeks)</p> <p>Not less than 10 days before hearing</p>
Stage 5	<p>5a Case dismissed – Panel Chair advises all parties (9.1)</p> <p>5b Sanctions involved – Hearing Panel reports to Chair of Ethics (9.4)</p> <p>5c Sanctions within Panel remit – Chair of Ethics advises all parties (9.4)</p> <p>5d Sanctions need Ethics Committee ratification – Panel report circulated to Ethics Committee (9.4)</p> <p>5e Ethics Committee considers sanctions and ratifies (9.4)</p> <p>5f Chair of Ethics advises both parties of the outcome of the Hearing Panel (9.4)</p> <p>5g Sanctions needs Exec Board confirmation – report of Ethics Committee circulated to Exec Board (9.4)</p> <p>5h Exec Board confirms sanctions (9.4)</p> <p>5i Chair of Ethics advises both parties of the outcome of the Hearing Panel (9.4)</p>	<p>Within 7 days of the hearing (20 weeks)</p> <p>Within 7 days of the hearing (20 weeks)</p> <p>Within 14 days of the hearing (21 weeks)</p> <p>Within 14 days of the hearing (21 weeks)</p> <p>Within 21 days of the hearing (22 weeks)</p> <p>Within 28 days of the hearing (23 weeks)</p> <p>Within 28 days of the hearing (23 weeks)</p> <p>Within 35 days of the hearing (24 weeks)</p> <p>Within 42 days of the hearing (25 weeks)</p>

Stage 6	6a Either party may initiate an appeal by writing to the Chair of Ethics (10.1)	Within 28 days of receiving the findings of the hearing (29 weeks)
	6b The appeal will be heard by an External Moderator (10.2)	Within 8 weeks (37 weeks)