

Complaints & Disciplinary Procedure

INTRODUCTION

1. EMCC is a founder and co-signatory to the Global Code of Ethics (hereinafter referred to as the Code) www.GlobalCodeofEthics.org. The purpose of the Code is to guide its members and those involved in coaching, mentoring, and supervision in the way they should be conducting their activities. The Code sets out what the client can expect from the coach, mentor, and or supervisor in either a coaching, mentoring, training, or supervisory relationship.
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.
3. 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.
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.

THE COMPLAINTS COMMITTEE

5. The EMCC Global Executive Board (GEB) oversees the Code and formally reviews the Code on a regular basis as well as overseeing the operation of this Complaints and Disciplinary Procedure.
6. When addressing a complaint the EMCC Global General Secretary will form a panel of three members from the GEB or from Affiliated Country boards not involved in the complaint. One member of this panel will be chosen to be the chair.

RESOLVING ISSUES THROUGH DISCUSSION & FACILITATION

7. 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 organisation concerned about their complaint. EMCC will act as facilitator if this is helpful. Complainants and/or those complained against may ask EMCC to act in this capacity. Requests to that effect should be directed to the General Secretary at complaints@emccglobal.org.
8. If the matter is not resolved to the complainant's satisfaction in this way, or if a resolution through mediation is not an option, then they should make a formal complaint in the way described below.

WHAT CONSTITUTES A COMPLAINT?

9. A complaint can be investigated if:
 - The complainant has first approached the individual or organisation 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, supervisor, or organisation that is a member of 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 it occurred
10. In exceptional circumstances and at the discretion of the Complaints Committee Chair, the time limits above may be waived. The Complaints Committee Chair's decision in such circumstances will be final.

MAKING A COMPLAINT

11. All complaints must be sent in by email. The complaint should detail the allegation of professional misconduct and those parts of the Code 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.
12. The complaint should be sent to the EMCC Global General Secretary at complaints@emccglobal.org. An acknowledgement email will be sent back to the complainant within five working days. At this point the complainant will be advised that a complaint has been made against them (unless there are extenuating circumstances that deem this inadvisable).

ASSESSING THE ALLEGATION

13. Initially all complaints will be considered by a Complaints Committee set up by the General Secretary and comprising of three members of the GEB (or country boards). This Panel will be set up by the General Secretary within 21 days of receiving the complaint.
14. The Complaints Committee will contact the complainant and/or person complained against if necessary for further information or clarification of any points. The members of the Complaints Committee 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 Complaints Committee.
15. Within 14 days of being appointed the Complaints Committee will present an opinion to the General Secretary, who in turn will recommend that either:
 - There is reason to believe that there may be a breach of the Code 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.

16. In cases where the Complaints Committee recommends that the complaint should not be taken forward, the Complaints Committee Chair will write to the complainant and the person complained against in these terms within seven days. Where it is agreed that the complaint should be taken forward, the Complaints Committee should proceed as set out below.
17. All direct or indirect communications between members of either the Complaints Committee 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.

DISCIPLINARY PROCEDURE

18. The EMCC Global General Secretary will appoint a Hearing Panel to determine the outcome of the complaint and nominate a chair who will be responsible for actioning the following within seven days:
 - Informing the EMCC Member complained against that a case has been made in which a breach of the Code may have occurred
 - Sending a copy of any further information submitted to the Hearing Panel to the Member complained against
 - Requiring the member complained against to make a written response to the allegations within 28 days of receiving notification of the alleged breach
19. If the EMCC member recognises that the actions complained about do not conform to the Code, they will make appropriate changes to the way in which they go about doing their work immediately.
20. No member of the EMCC can proffer their resignation whilst a complaint is outstanding against them.

HEARING

21. The EMCC Global General Secretary will appoint a Hearing Panel of three people other than the original Complaints Committee.
22. One of the Hearing 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.
23. The names of the members of the Hearing Panel shall be notified to both parties in advance. Each has the right to ask one member of the Hearing Panel to stand down, but they will need to justify their request. In such an event an alternative member shall be appointed by the EMCC Global General Secretary.
24. 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 Hearing Panel Chair.
25. 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 Hearing Panel Chair will ensure that all parties have adequate opportunity to present their case. The Hearing Panel Chair may invite witnesses to attend to answer questions about their written submissions.

FINDINGS

26. At the end of the Hearing, the Panel determines whether or not a breach of the Code has occurred. If no breach has occurred, the Hearing Panel Chair will notify both parties accordingly within seven days of the Hearing and will also advise the EMCC Global President.
27. 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 EMCC Global General Secretary
 - Termination of accreditation, authority to supervise or train, recognised status or membership. This is to be ratified by the General Secretary.
28. In ratifying the decisions of the Hearing Panel, the EMCC Global General Secretary 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.
29. In the event of sanctions being necessary, the Report of the Hearing Panel will be sent within seven days to the General Secretary
- In the event of sanctions that are within the remit of the Hearing Panel, the EMCC Global General Secretary will advise the complainant and the EMCC member complained against accordingly within 14 days of the Hearing
 - In the event of sanctions requiring the EMCC Global General Secretary's ratification, the Report of the Hearing Panel will be sent in confidence to the General Secretary within 14 days of the Hearing and the decision of the EMCC Global General Secretary will be taken within another seven days. The EMCC Global General Secretary will then notify the complainant and the EMCC member complained against accordingly within 28 days of the Hearing
 - In the event of sanctions requiring the EMCC Global General Secretary's ratification, a report from the panel will be circulated in confidence to the General Secretary within 28 days of the Hearing and the decision of the EMCC Global General Secretary will be taken within another seven days. The EMCC Global General Secretary will then notify the complainant and the EMCC member complained against accordingly within 42 days of the Hearing.

APPEALS PROCEDURE

30. 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 EMCC Global General Secretary, new evidence or heads of appeal may be admissible. To initiate an appeal, either party should write to complaints@emccglobal.org within 28 days of receiving the findings of the hearing.
31. Appeals will be heard by the EMCC Global President within eight weeks of receiving notification of the appeal. They will review the case and will communicate their findings to the EMCC Global General Secretary and the two parties in the case. The EMCC Global President's findings will be final and binding on both parties.

APPENDIX 1 STEP BY STEP PROCEDURE GUIDE

Stage	Procedure	Timescale
Stage 1	<p>Upon receipt of the complaint:</p> <p>1a Send acknowledging receipt back to complainant</p> <p>1b Inform person being complained against that a complaint has been made</p>	<p>Within 5 working days of receiving the complaint</p> <p>Within 5 working days of receiving the complaint</p>
Stage 2	<p>2a Complaints Committee to consider the complaint</p> <p>2b Complaints Committee will prepare an opinion for the EMCC Global Secretary about the complaint</p>	<p>Within 21 days of receiving the complaint (<i>4 weeks</i>)</p> <p>Within 14 days of being appointed (<i>6 weeks</i>)</p>
Stage 3	<p>3a Where it is recommended that the complaint should not be taken forward, Chair of Complaints Committee will write in these terms to the complainant and the person complained against</p> <p>3b If the complaint is to go forward, the Chair of Complaints Committee 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</p> <p>3c Appoint a Hearing Panel to determine the complaint</p> <p>3d Ensure that the written response is received from the member complained against</p>	<p>Within 7 days of the Investigatory Panel reporting (<i>7 weeks</i>)</p> <p>Within 28 days of the Chair of Complaints Committee writing to the Member (<i>11 weeks</i>)</p>
Stage 4	<p>4a Hearing Panel to take place</p> <p>4b All written evidence and submissions to be circulated to all parties</p>	<p>Within two months of its appointment (<i>19 weeks</i>)</p> <p>Not less than 10 days before hearing</p>
Stage 5	<p>5a Case dismissed – Panel Chair advises all parties</p> <p>5b Sanctions involved – Hearing Panel reports to Chair of Complaints Committee</p> <p>5c Sanctions within Hearing Panel remit – Chair of Complaints Committee advises all parties</p> <p>5d Sanctions need Complaints Committee ratification – Panel report circulated to Complaints Committee</p> <p>5e Complaints Committee considers sanctions and ratifies</p> <p>5f Chair of Complaints Committee advises both parties of the outcome of the Hearing Panel</p>	<p>Within 7 days of the hearing (<i>20 weeks</i>)</p> <p>Within 7 days of the hearing (<i>20 weeks</i>)</p> <p>Within 14 days of the hearing (<i>21 weeks</i>)</p> <p>Within 14 days of the hearing (<i>21 weeks</i>)</p> <p>Within 21 days of the hearing (<i>22 weeks</i>)</p> <p>Within 28 days of the hearing (<i>23 weeks</i>)</p>

	5g Sanctions needs GEB confirmation – report of Complaints Committee circulated to GEB	Within 28 days of the hearing (23 weeks)
	5h GEB confirms sanctions	Within 35 days of the hearing (24 weeks)
	5i Chair of Complaints Committee advises both parties of the outcome of the Hearing Panel	Within 42 days of the hearing (25 weeks)
Stage 6	6a Either party may initiate an appeal by writing to the Chair of Complaints Committee	Within 28 days of receiving the findings of the hearing (29 weeks)
	6b The appeal will be heard by an External Moderator	Within 8 weeks (37 weeks)