

COMPLAINTS PROCEDURE

1.0 Stage 1 - Informal Complaint

Central Counselling Service will always seek to resolve complaints internally in the first instance. All clients are advised at the commencement of the counselling contract that Central Counselling Service has an internal complaints procedure which should be used if a concern is raised. If the complaint is of an informal nature, it should be raised in writing (letter or email), with the Counselling Service Manager (currently Donna Hofstra) who will seek to resolve the matter by meeting individually with each party.

Donna Hofstra

Counselling Service Manager
Central Counselling Service
2 West Tollcross
Edinburgh
EH3 9BP

1.1 Support. Central Counselling Service will ensure the complainant has the support he or she needs to fully understand the complaints procedure, e.g. through a member of Central Counselling Service assisting.

1.2 Complaint Manager. The Counselling Service Manager will be identifiable as the Complaint's Manager and will be the complainant's point of contact throughout the procedure. The Complaint Manager monitors the progress of the complaint but not the investigation. This applies to informal, formal and appeals complaints. The Complaint Manager will keep the complainant and the person complained against up to date with the progress of the investigation. The Complaint Manager must report any potential or reported conflict of interests regarding the investigation of the complaint.

1.3 Malicious Complaint. If a complaint is considered to be of a malicious or vexatious nature, it will not be processed. An example of a malicious complaint might be if the complaint has no substance regarding a breach of BACP's Ethical Framework for the Counselling Professions, and is more to do with the character or manner of the person being complained against. In such a case, the complainant will be advised of the decision in writing.

2.0 Stage 2 – Formal Complaint

If the complainant is not satisfied with the response received from the informal process, then a formal complaint should be submitted in writing to the Counselling Service Manager as above.

The Complainant must:

- state whether it is against an individual or against the service
- identify the member of the service complained against
- advise the nature and details of the complaint
- give permission for confidential information, pertinent to the complaint, to be disclosed by all parties cited in the complaint to those involved in handling the complaint

The Counselling Service Manager will advise the individual who is subject of the complaint about the complaint filed.

Central Counselling Service has the right to seek legal or specialist advice.

A complaint can be discontinued if:

- the complainant fails or refuses to participate at any stage of the complaint procedure without good reason
- or the complainant formally withdraws the complaint

The preferred method of communication is by email providing a robust audit trail of communications. If this is not possible, a letter in writing will suffice.

2.1 Timescales

The Counselling Service Manager will acknowledge receipt of the complaint within three working days and advise the complainant that a full response from an investigating panel will be sent within one month. If a delay beyond this timescale is unavoidable a revised timescale will be advised. If the appeals process is activated, this should be complete within a month from the start of the appeals process. Every effort must be made to complete the whole process within 3 months. Any complaint against an individual counsellor or against Central Counselling Service must be submitted to the Counselling Service Manager within 3 years of the alleged breach of BACP's Ethical Framework. At the discretion of the Complaints Manager, with due regard to time restraints and confidentiality, the process may be adjourned or put in recess. The process will be re-started at the point at which it was stopped, within a reasonable time.

2.2 Remit of Investigating Panel

A **complaints panel** will be established to facilitate discussion between the complainant, the Counselling Service Manager, a member of the Senior Leadership Team and a member of the Board of Trustees. An investigation will take place to establish:

- Whether there is a case to answer e.g. is there sufficient corroborating evidence to support the complaint for it to be progressed or is there a clear breach of the BACP's Ethical Framework for the Counselling Professions
- Where appropriate, determine what went wrong
- Where appropriate, offer an apology to the complainant
- Where appropriate, apply sanctions to a counsellor e.g. recommend increased supervision for set time period
- Where appropriate, alter procedures or systems to prevent repeat
- All correspondence, notes and discussions must be kept **confidential** throughout the process

All parties involved in the complaint will be kept informed as to what is required of them at different stages of the complaint process.

The Complaint Manager will notify both parties:

- that they have the right to attend the complaints panel investigation meeting, separately and not together, to submit evidence
- they can be accompanied, but not represented by a supportive person of their choice if they wish

The Investigator / Panel Chairperson will hear separately the evidence from each party.

The panel will send a written response to the complainant within the month since the complaint was lodged, a copy of which will be sent to the person complained against. If this timescale cannot be met, both parties will be advised.

3.0. Stage 3 - Appeal

Any party may appeal against the findings of the Investigating Panel on the following grounds:

- That the complaints procedure has not been followed
- That there was new evidence which the investigator did not have access to in the investigation

An appeal cannot be accepted only on the grounds that the complainant disagrees with the investigator's report. The appeal should be submitted in writing **within 2 weeks** of receiving the outcome of the formal complaint procedure and addressed to:



Louise Wright
Operations and Finance Manager
Central Church
Central Hall
2 West Tollcross
Edinburgh
EH3 9BP

Louise Wright is the Operations and Finance Manager at Central Church, but not directly involved with Central Counselling Service. She, along with two other members of the Board of Trustees, will Chair the panel and lead the appeals investigation. To ensure that there is no conflict of interest, the Counselling Service Manager will not be part of this panel or involved in any part of the appeal. All parties involved in the complaint can, where relevant, declare a conflict of interest to a person who will be designated at the time of appeal proceedings.

4.0. Stage 4 – External Formal Complaint

If the complainant is not satisfied with the outcome of the investigation and appeal, the Counselling Service Manager will refer the complainant to the professional body BACP whose complaints procedure is available on their website. The complainant will be advised that, once the Central Counselling Service appeals procedure has been exhausted, they can submit a complaint **within a month** to BACP under its Complaints Procedure.

BACP Professional Conduct
BACP House
Unit 15 St. John's Business Park
Lutterworth
LE17 4HB
https://www.bacp.co.uk/professional_conduct@bacp.co.uk

BACP will, on receipt of the complaint, verify that the member's complaints procedure has been followed and the outcome was lawful, reasonable and properly explained.

4.1. Complaint against the Counselling Service Manager

Should the complaint be against the Counselling Service Manager, then this should be submitted in the first instance, to Mairi Giles, who is the Line Manager for Central Counselling Service and Head of Care at Central Church.

Mairi Giles
Head of Care
Central Church
2 West Tollcross
Edinburgh
EH3 9BP
mairigiles@capuk.org

Mairi Giles will transfer the complaint to a member of the Board of Trustees and the complainant advised of the details of the person leading the investigation. Another member of the Board of Trustees will be invited to join the Complaints Panel to ensure impartiality.

4.2 Conflicts of Interest

Should there be a **conflict of interest** by the Counselling Service Manager investigating any complaint, a member of the board will be appointed to take this investigation forward. At all times, the Counselling Service Manager must ensure that an impartial investigator is appointed and that any conflicts of interest are avoided in any individual being involved in the process.

4.3. Legal Action

The Complaint Manager, in the case of the Complaints Procedure, or Louise Wright, in the case of the Appeals Procedure, can halt the complaint at any time should it emerge that legal action is under way, pending or intended.

4.4. Third Party Complaint

Due to the need for confidentiality a complaint on behalf of a third party cannot be accepted without **prior written consent from the client** and the onus is on the third party to evidence the direct and adverse effect **on them**. A complaint can be received from a representative or advocate for the client but again, written consent from the client is required.

4.5. Anonymous Complaint

An anonymous complaint can be submitted to Counselling Service Manager for investigation. There will clearly be no feedback to the complainant but an informal investigation will take place, results logged and fed back to the Line Manager of Central Counselling Service, currently Mairi Giles. The investigation may still inform systemic changes if the complaint appears to have substance.

4.6. Complaints against former Staff

A complaint can be made against former counselling members of Central Counselling Team. The former colleague will be, where possible, offered the opportunity to represent their own interest. An investigation will be conducted for the learning of the organisation e.g. to identify any systematic failures. A report will be sent to BACP who may choose to take further action regarding the individual complained against.

4.7. Records

Records will be kept detailing the nature of the complaint raised, the written response and any action taken/sanctions given and the reasons for such. These records will be kept confidentially in accordance with the DATA Protection Act 1988, which requires the release of certain data to individuals on their request. Copies of any meeting records will be given to the individual concerned, on request. In certain circumstances some information may be withheld, for example, to protect a witness.

4.8. Reporting

The Counselling Service Manager is required to submit an outcome report to BACP at the conclusion of the complaints process (within one month) and notify BACP of any sanctions applied to individual members working either in a paid or volunteer capacity for Central Counselling Service. BACP will consider appropriate action following its receipt of this information.

BACP may conduct an audit and or any other measures as necessary to ensure that Central Counselling Service complaints procedure and the way in which the complaint has been handled meets its standard.

4.9. Confidentiality

All matters in the case of a complaint should be kept confidential wherever possible. Confidentiality may be broken if it comes to light that there is a clear risk of harm to the client, counsellor or other party. Where appropriate, this will be explained to the parties involved.

4.10. Possible Sanctions

Where a complaint is upheld against an individual counsellor, sanctions may be given by Counselling Service Manager, for example:

- Apology to complainant
- Mandatory further training or individual counselling
- Suspension or termination of the Central Counselling contract.
- Increased supervision for set time period with report to Counselling Service Manager (regarding proficiency in area of complaint) at end of period



If the individual is also a member of BACP, then BACP may also impose sanctions e.g. Suspension or termination of BACP membership and privileges, probationary period etc. The Counselling Service Manager is responsible for communicating sanctions to the individual counsellor and the complainant, and for monitoring the time period if relevant. If the complaint is against the Counselling Service Manager, a member of the Board of Trustees will take this responsibility.

For any further information contact:

Donna Hofstra
Counselling Service Manager
Central Counselling Service
Central Hall,
2 West Tollcross,
Edinburgh
EH3 9BP

donna.h@centralcounselling.org



Central Counselling Complaint Form

Name of complainant: (Please supply contact details on a separate sheet)

Name of counsellor against whom you wish to complain:

Full contact details of counsellor: (Where known)

Description of the professional relationship you had with the counsellor: (Please include start and finish dates for this relationship). Continue on separate numbered sheets(s) if necessary.

Description of the complaint against the counsellor: (This should include details of dates when the event(s) giving rise to the complaint occurred). Continue on separate numbered sheets(s) if necessary.

Detail any attempts you have made to resolve your complaint with the counsellor concerned: (If not, give an explanation why). Continue on separate numbered sheets(s) if necessary.

Signature:	Date:
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NOTE: Please return this completed and signed form together with all supporting evidence to the address below. Please also note that a copy of this complaint form will be made available to the counsellor complained against:

Central Counselling Service Manager
Central Counselling Service
2 West Tollcross
Edinburgh
EH3 9BP