

# Complaints Procedure

## Document Control

<b>Organisation</b>	Lochaber Hope
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<b>Owner</b>	Manager Alyson Smith
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This document will be distributed to:

<b>Name</b>	<b>Job Title</b>	<b>Email Address / Location</b>
Alyson Smith	Executive Manager	alyson.smith@lochaberhope.org.uk
All staff		
Volunteers		
Counsellors		
Directors		
COSCA		



If anyone is unhappy with any part of our service, or if they have a complaint to make, we would like to know about it as soon as possible in order to resolve the situation quickly. All complaints will be treated seriously and confidentially. Help is available, if required, to any complainant unable to submit a complaint in writing.

Assistance and advice is available to complainants to help them understand the complaints procedure. This can be obtained by contacting Lochaber Hope directly or a locally based advocacy service.

### **Aims of the Complaints Procedure**

- To enable a complaint to be investigated in a fair manner
- To enable complaints to be resolved as speedily as possible
- To allow consequences of mistakes to be put right without unnecessary conflict
- To improve the quality of the service

### **Access to this Complaints Procedure document**

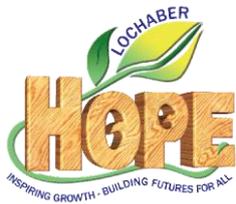
This Complaints Procedure can be accessed as follows:

- It can be viewed and downloaded as a PDF from the Document section of the Lochaber Hope website.
- A hard copy can be requested by phone, email, letter or in person from the Lochaber Hope office.
- Although we do not have the resources to produce this procedure in multiple languages and formats, it can be translated, viewed in larger text and read out loud from our website using standard online tools.

### **Who can complain?**

- Anyone who is using the counselling service
- Anyone who has used the counselling service within the past three years
- Anyone who has enquired about the counselling service or is on the waiting list
- Anyone from another organisation who has enquired about our service, or who is working with or representing someone who is using or has used the service
- Anonymous complaints cannot be brought against Lochaber Hope because they cannot be dealt with fairly under this complaints procedure.

Lochaber Hope has the option to investigate a complaint against former workers, even if we can't get hold of the person, if an investigation is carried out Lochaber Hope will send the outcome report to COSCA and if they are a member of COSCA, then COSCA may investigate. Any investigation is conducted for the learning of the organisation.



Complaints will not be accepted on behalf of a third party without prior written consent from the person involved, the complaint will then will be dealt with under the same procedure for dealing with any other complaint.

Lochaber Hope are not obliged to investigate malicious or vexatious complaints.

### **Time limits for complaints**

Complaints can be accepted up to three years from the time of the problem arising. If the complaint refers to specific client work the maximum is three years from the date the client ended counselling with the Lochaber Hope. However, it is much easier to sort out difficulties if the complaint is brought to our attention as quickly as possible.

### **How to Make a Complaint**

If you are receiving our counselling service, please try to talk your concerns over with your counsellor if you can.

A formal complaint should be made in the first instance to the manager. This can be in person by appointment, by telephone, or in writing by email or letter. Please contact:

Alyson Smith  
Lochaber Hope  
Dalnahaine  
Belford Road  
Fort William  
PH33 6ES  
01397 704836  
[alyson.smith@lochaberhope.org.uk](mailto:alyson.smith@lochaberhope.org.uk)

### **Scope of Complaints**

Complaints made under this procedure may cover paid staff, volunteer counsellors or receptionists, board members, and other volunteers or contractors acting for or on behalf of the Lochaber Hope.

## **Confidentiality and Communications**

Every complaint will be treated with care and confidentiality. We will attempt to communicate clearly and directly with all complainants or their representatives in a timely manner, as described below. Lochaber Hope has the option to seek specialist advice and ask permission for confidential information to be disclosed to those involved in investigating the complaint.

## **Safety of Clients**

If a complaint relates to the conduct of a counsellor in counselling, at all times the client's safety will be a primary consideration. Suspension of counselling and/or disciplinary proceedings may take place at any stage of the complaints process, if appropriate.

## **Stage 1 – Informal Complaint**

Every opportunity will be taken at the time of the initial complaint to settle the concern informally. This may include telephone conversations and/or face to face meetings or written explanation of the reasons for a decision taken. The manager will normally handle the complaint at this stage, but if the manager or anyone else is involved in the complaint, they have a duty to declare a conflict of interest and the subject of the complaint, then the Chair of the Board of Trustees or other designated member of the Board will undertake to respond to the complaint and manage the complaints procedure. The Board will assess if there is sufficient corroborating evidence to support the complaint and decide if there is a case to answer to, for it to be processed for investigation

If the complainant remains dissatisfied with the outcome of discussions at this stage, then a formal complaint can be made.

## **Stage 2 – Formal Complaint**

A formal complaint will be acknowledged in writing by the manager within seven days. A copy of the Complaints Procedure will be enclosed. If an employee, volunteer or contractor of Lochaber Hope is the subject of the complaint, they will be sent a copy of the complaint along with the Complaints Procedure. A complainant can withdraw the complaint at any time in writing and Lochaber Hope has the option to discontinue the investigation, however the complaint may continue to be investigated to be assured that any safeguarding practice can be put in place to avoid this happening in the future.

## **Investigation of the Complaint**

An independent and impartial person who has relevant experience will be appointed by the Board of Trustees to investigate the formal complaint. This person will be independent of Lochaber Hope and the complainant, and all parties involved will be given the opportunity to declare a conflict of interest with them. The investigator will make a thorough and confidential investigation of the complaint, contacting both the complainant and the person complained against.

The investigator will have access to relevant documents and policy papers within Lochaber Hope and to staff members, if appropriate. They may ask for evidence from either party and if this is sought in person, they will meet with each party separately. After any informal stage/mediation, the complainant and the complained against, and/ or their representative, will not come into contact at any time in the course of the investigation. All parties will have the right to be accompanied, and/or be represented, by a supportive person of their choice. The complainant and the party or parties complained against and/or their representative will not be asked to attend any meetings together.

The investigator will make a written response to the complainant within twenty-eight days, a copy of which will be sent to Lochaber Hope and the person complained against. If it proves not possible to respond within 28 days, the complainant will be informed of any reasons for a delay. All investigations will be completed and responded to within a maximum of six months. At the discretion of the Investigator, with due regard to time restraints and confidentiality, the process may be adjourned or put in recess to gain further information or over public holidays or during legal action, all parties will be informed.

The investigator will make recommendations regarding the action required to bring about the resolution of the complaint and any sanctions which he/she may consider appropriate to apply to either party. In such circumstances, he/she will also provide instructions for the monitoring of the fulfilment of said actions or sanctions. Examples of sanctions may include, but are not limited to, mediation, an explanation and apology, reflection of learning from counsellor and/or organisation, further training or supervision, or caution/written warning/suspension/removal from post as appropriate. Any sanctions imposed will be monitored as to their commencement and completion or removal and will be communicated to both the complainant and complained against. In the event of an alleged breach of the law (civil or criminal), the investigator will decide whether to pass information regarding the complaint to the appropriate legal authorities.

Lochaber Hope will abide by the decisions and recommendations of the investigator. At this stage a Report at the Conclusion of Complaints Proceedings will be sent to COSCA by the investigator. Both parties will be informed of the result and the reasons for the decision and will be given in writing. The Director or Chair, whoever is managing the complaint, may halt

the procedure at any stage if it emerges that legal action is under way, pending or intended, until such time as any legal process is complete.

### **Stage 3 – Appeal**

#### The Grounds for an Appeal

A complainant may appeal against the findings of the investigator on the following grounds:

- that the complaints procedure had 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.

#### Making an Appeal

The complainant must make an appeal in writing within fourteen days of the receipt of the investigator's report.

The reasons for the appeal must be clearly set out in writing.

The appeal will be acknowledged in writing by the manager and considered by Lochaber Hopes Board of Trustees.

The complainant will be informed in writing within twenty-one days whether or not the appeal is accepted.

#### The Appeal Panel

If an appeal is accepted, the manager will arrange to set up an Appeals Panel. No person can hear a complaint if they have already been involved. The panel will be made up of three members: the Chair of the Board of Trustees or other designated member of the Board and two persons from outside of Lochaber Hope with relevant experience.

The panel will meet within twenty-eight days of the notification of the acceptance of the appeal to the complainant.

No-one on the panel will have taken any part in the previous handling of the complaint.

#### The Appeal Hearing



Fourteen days' written notice of the date of the hearing and the composition of the panel will be given to all parties.

All documentation relating to the appeal will be copied to all parties and the panel members fourteen days before the hearing.

The complainant and the complained against may be asked to make a written statement to the panel which will be circulated seven days before the hearing.

The complainant and complained against may be required to attend the hearing and may be accompanied, and/or be represented, by a supportive person of their choice.

The complainant and complained against will have the opportunity to make a short statement to the hearing.

The investigator and the Director or the Chair of the Board (whoever managed the original complaint) will be available to give information to the panel.

The appeal hearing will be recorded.

The appeal panel will have the authority to adjourn the hearing.

The panel will come to a decision regarding the appeal in private session. This discussion will not be recorded but a written record will be made of the proceedings. Both parties will be informed of the result, the sanction and the reasons for the decision. The decision will be given within seven days. If the appeal is upheld the panel will make recommendations regarding the action required to bring about the resolution of the complaint.

If either party remains dissatisfied after the decision of the appeals panel or remains dissatisfied about the content of the investigator's report, they may contact COSCA (contact details below).

### Complaints to COSCA

Complaints can only be made direct to COSCA if the complainant is not satisfied after the exhaustion of the Lochaber Hope's complaints procedure.

In the event that a complaint is submitted to COSCA following the exhaustion of the complaints procedure, the role of COSCA is not to investigate the complaint itself, but to verify:

- that the above members' procedures have been followed and that there has not been a breach of the COSCA Statement of Ethics and Code of Practice in the course of investigating the complaint
- that the outcome of their procedures is not unlawful, unreasonable, unjust, oppressive, discriminatory or otherwise wrong.

Complaints should be made in writing to:

COSCA

16 Melville Terrace

Stirling

FK8 2NE

01786 475140

[www.cosca.org.uk](http://www.cosca.org.uk)

A complainant who has received counselling related services can request a procedural review from COSCA, they will have been informed how to find COSCA's complaints procedure and will be advised that, once the member's appeals procedure has been exhausted, they can submit a complaint to COSCA, under its complaints procedure within one month of the above exhaustion. COSCA will verify whether or not the member's complaints procedure has been followed and if so that the outcome was lawful, reasonable and properly explained.

The Outcome Report will be sent to COSCA at the conclusion of complaints proceedings immediately or within one month of the conclusion of Lochaber Hope's complaints process. COSCA will publish upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations.

Full details of COSCA's Complaints procedure are available via their website.

### Monitoring of Complaints

A record will be kept of all complaints received. Complaints will be monitored regularly by the manager and brought to the attention of the Board of Trustees. Records of complaints will be kept for a period of five years.