

Reviewed September 2022

COMPLAINTS PROCEDURE

FOR COMPLAINTS FROM CLIENTS OR THIRD PARTIES

AIM

The aim of the complaints procedure is to ensure that all complaints are settled promptly, fairly, and as near as possible to the point of origin.

The purpose of this process is to hear a complaint made about a representative of the Centre or its processes.

PRINCIPLES

The complaint needs to be heard in the most open way possible while having careful respect for confidentiality and the protection of all concerned. The Centre needs to guard against collusion in every part of this procedure.

The involvement of an outside observer or investigator does assist in the impartiality of the procedure.

It is expected that both complainant and complained against will represent themselves throughout these procedures. They may be accompanied by a friend who will be there to support them but may not speak.

RATIONALE

That the complaint be dealt with by a two step procedure; the first part being the informal process and if this does not reach a resolution, a formal procedure may then take place.

The complainant is able, if she/he feels that resolution has not been found at this stage, to evoke the BACP Professional Conduct Procedure. The Professional Conduct Procedure applies if a breach of the BACP Ethical Framework for the Counselling Professions is alleged to have taken place.

CONFIDENTIALITY

Confidentiality must be observed at all times. The Centre needs to appoint a person to be responsible for all papers to do with the matter of the complaint and to collect and circulate them. This is usually not a matter appropriate for the general office.

Confidentiality should be observed by all parties on all occasions. Both complainant and complained against should be advised of this. All other professionals involved are expected to conform to the highest principles of confidentiality. Carelessness is dangerous

INFORMAL PROCEDURE

It is hoped that most problems will be resolved informally in the following way:

- 1 The first action should be a discussion between the parties directly concerned in any problem or dispute.
- 2 If this is ineffective or considered inappropriate, the aggrieved person should write to the Head of Services, who in conjunction with the Clinical Lead and/or Director for Clinical Standards, will attempt to resolve the problem or dispute.
- 3 A written report made of the complaint and outcome will be made by the complained against (if 1) or the Head of Services (if 2).

If the matter remains unresolved the following action should be taken:

FORMAL PROCEDURE

- 4 The aggrieved person should put in writing:
 - (a) the nature of problem,
 - (b) the individual(s) and/or practices causing concern,
 - (c) when and how frequently the problem has occurred, and
 - (d) the desired outcome.

This should be sent to an appropriate member of the Management Team, (Head of Service, Clinical Lead and Director for Clinical Standards). Copies of this letter should be sent by the Head of Services to the parties who are the subject of the grievance where this is the case.

- 5 The Management Team will meet to discuss the grievance and, ideally within ten days of receiving the complaint, will arrange a meeting with the aggrieved

person and, where this is the case, any parties who are the subject of the grievance. Other members of the Centre/witnesses may be called to the meeting by the parties in the dispute.

- 6 The person complained against may ask to be accompanied by a colleague/supporter at this meeting.
- 7 The Centre should appoint an external Investigator, to chair the meeting.

8 **The Meeting**

- There should be two personnel to represent the Centre and a person to record the proceedings.
- The environment should be undisturbed from the beginning to the ending of the proceedings.
- The investigators review the complaint and decide what questions they may wish to ask.
- The complainant is interviewed for a period of time (20-50 minutes) about the matter of the complaint.
- The complained against is interviewed for a similar period of time.
- The panel discuss whether it needs further information and requests to speak to either party again.
- The investigators discuss on their own:
 1. whether conciliation is possible.
 2. whether the complainant is wishing to pursue the matter.
 3. whether conciliation is desirable – have there been breaches of the BACP Ethical Framework for the Counselling Professions.
 4. whether the Centre and its organization has been at fault.

If conciliation is possible and there have been no breaches of BACP Ethical Framework for the Counselling Professions, the complainant and complained against may be negotiated with together in order to bring the matter to a conclusion.

9 **The Report**

A report of the proceedings should be written in the following form:

- A diary of significant dates and events.
- Points of the complaint with facts that are agreed and facts that are not agreed.
- Conclusions: the report should reflect the clear argument of the panel and its deliberations and give clear guidance on whether it considers that there is a case to answer or not on each count brought in the complaint.
- The report is prepared to the Management Committee of the Centre.

- 10 If the complaint has been resolved the above report should be signed by all parties and the process is now concluded.
- 11 The Management Committee of the Centre must decide what sanctions will be taken against the complained against, and what organizational changes may need to be made.
- 12 Both complainant and complained against will be informed of the completion of the process and its outcome.

The complainant must be informed that the process may be pursued through the BACP Professional Conduct Procedure if this is appropriate.

The complained against must have the right of appeal against any sanctions imposed to a suitably impartial person.

THE APPEAL

- An impartial person is appointed by the Management Committee.
- All papers and reports of the previous procedures are sent to the person hearing the appeal.
- The person hearing the appeal may ask for clarifications in writing.
- The person hearing the appeal makes their decision and informs the Management Committee.