

Complaint Policy and Procedures

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Contents:

1. Policy Overview	Page 3
2. Definitions	Page 3
3. Timeframe for making a Complaint	Page 4
4. Stages of Complaint	Page 4 - 5
5. Informal Complaint – Stage 1	Page 5
6. Formal Complaint – Stage 2	Pages 5 - 7
7. Appeals – Stage 3	Pages 7 - 8
8. Complaint to COSCA	Page 8
9. Complaints Flowcharts	Page 9
Stage - 1 Informal Complaint	
Stage 2 - Formal Complaint	Page 10
Stage 3 - Appeal	Page 11
10. Complaint Form	Page 12
11. Complaint Record	Page 13
12. Third-party complaints	Page 13

1. Policy Overview

Relationships Scotland Member Services seek to react quickly and collaboratively to any issue raised by a client.

This policy covers complaints that may arise from counselling, mediation, child contact centres and all other family support services provided by Relationships Scotland Member Services.

For the policy and accompanying procedures in a different language or format, or if any assistance or advice on how to follow the complaints procedure is required, please advise the Chief Officer of the Member Service who will offer appropriate assistance.

Anyone who becomes involved in the complaints or appeal process who thinks they may have a conflict of interest must declare this interest to the Member Service's Chair who will ensure that conflicts of interest do not affect the process.

The complaints process can be halted at any time if it emerges that a child or protected adult is at risk, or if legal action is underway, pending or intended. The complaint process cannot be restarted until such issues have been resolved.

This policy seeks to:

- Quickly and effectively resolve matters in a co-operative way. At all stages of the process (see below) the complaint will be discussed with the individual/s that raised the issue and with the person/s complained against. The process will be kept confidential and will only involve people who are directly involved in the complaint or are part of the investigation process.
- Ensure that a written record of the complaint procedure is kept at all stages of the process. All information relating to the complaint will remain in a confidential file for three years, after which time it will be destroyed, unless the complaint is related to a child protection issue in which case the record should be kept in perpetuity.
- Give both the complainant and the complainee the right to fully express their views throughout the complaint and appeal process.

Organisational structures vary across the Network in terms of size and number of personnel. This may result in variations of complaint escalations. For example, a smaller service may need to report a complaint to the Chief Officer or Board Member earlier in the process, whereas a larger service may have more middle leaders that can resolve a complaint before utilising the Chief Officer or Board Members. This caveat can lead to more bespoke elements of a complaints process being created by individual services. The escalation process for individual Member Services must be available for clients and staff members, in a simple flowchart diagram, for staff members this should be detailed within their individual employee handbook.

Relationships Scotland take all complaints seriously. During the investigation it may be that service provision is halted until the complaint is resolved, the complainant and complainee will be informed if a break in service provision is required.

2. Definitions

Complaint - A complaint is an expression of dissatisfaction made in relation to Relationships Scotland's activities, operations, policies, employees or the complaints handling and dispute resolution process itself, where a response or resolution is explicitly or implicitly expected.

Complainant - A complainant is a person, or persons who have issued a complaint. For example: A client, a member of the public, employees or suppliers and contractors.

Complainee – A person who a complaint is made against.

Dispute - A dispute is an unresolved complaint. It is a matter that has been dealt with as a complaint under this Policy, but where the complainant is still not satisfied and a resolution has not been made.

Chief Officer – The name used across the Relationships Scotland Membership to describe the person assuming responsibility for the Member service. They may use terms such as CEO or Member Service Manager in their internal organisation.

Case Manager – The person in a larger Member Service appointed to manage the complaint process. They will not investigate the complaint.

Investigating Officer – the person appointed to investigate the complaint, this may be a Chief Officer or Board Member in smaller Member Services.

3. Timeframe for making a Complaint

Complaints for mediation, child contact centre and other family support services are accepted within one year of the date of an incident occurring. Every effort will be made to resolve complaints as effectively and as quickly as possible.

For counselling services:

1. complaints will be accepted for investigation up to three years following the date of the alleged breach of COSCA's Statement of Ethics and Code of Practice.
2. Complaints will be accepted outside of this limit if they are deemed to be in the public interest.

Some complaints may take longer to resolve. The maximum time for a complaint and potential appeal to be processed should normally be no longer than 6 months.

If the complaint is against a worker who has since left a Member Service, any investigation will be conducted for the learning of the organisation e.g. to identify any systemic failures. In these cases the complaints process would still apply and wherever possible the person complained against would be offered the opportunity to represent their own interests.

4. Stages of Complaint

Clients should raise their concern at stage one, two or three as appropriate to the nature of their complaint. Stage 1 is an informal complaint, we try to resolve all concerns as quickly as possible and at this stage. Stage 2 is a formal complaint, this stage will take longer to investigate and resolve. Stage 3 is the appeals stage, this is used if parties are not satisfied with the outcome at earlier stages. The processes for submitting a complaint are outlined

below and flowcharts in section 6 may provide further clarity.

5. STAGE 1 – Informal Complaint

Contact frontline staff directly

The client is first encouraged to speak to the practitioner / worker involved if possible. They will attempt to resolve the matter directly with the complainant. If this is not possible or does not resolve the issue the client should contact the next level of manager (as detailed in the Member Service's individual complaint escalation flow chart diagram) this may be the Chief Officer of the Member Service. The complaint can be made in person, by telephone, email or letter.

The Member Service will aim to **resolve** the complaint within **15 working days** of the original complaint being made.

6. STAGE 2 - Formal Complaint

Report concerns following the escalation flowchart diagram

If matters are unable to be resolved at Stage 1, a written complaint can be lodged with the appropriate Case Manager of the Member Service. The Case Manager will make a record of the complaint using the complaint form. If the complaint is against the Chief Officer of the Member Service, the client should write to the Member Service Chair at the Member Service main office and either the Chair or someone from the Board of Management will take the complaints process forward.

If it is not possible to submit a complaint in writing, assistance in submitting the complaint in another format will be offered.

The Case Manager will determine if there is a sufficient case to support processing the complaint for investigation. The complainant is required to give permission for confidential information to be shared with those involved in handling the complaint.

The complainant can formally withdraw the complaint at any time.

If there is insufficient case to progress the complaint, the complainant will be informed of this in writing, with reasons.

Submitting the complaint:

1. Mark as Private and Confidential
2. Post to the main office of the Member Service where the client received a service
3. Ensure that the complaint contains the following information:

Full name of complainant

Full address of complainant

Telephone number of complainant

Date concern occurred

Nature of complaint

Other people involved in complaint.

The letter/email should be submitted as soon as possible after the event has occurred. Specifically, within one year for mediation, child contact centre and other family support services and three years for counselling incident(s) relating to the complaint.

Help with writing letters can be obtained from the Citizens Advice Bureau.

Investigation

Any formal complaint will be investigated by an appointed Investigating Officer. If an Investigating Officer cannot be appointed from within a Member Service, they may call on another Member Service to appoint a suitable replacement (this would be on an agreed capacity basis between Chief Officers). Alternatively, a Member Service may appoint an Investigating Officer from their Board of Trustees. Where there is no suitably impartial appointee, an independent third party will be appointed to undertake the investigation.

If the complainee believes that there is a conflict of interest with anyone involved in the process they should advise the Chair of the Member Service.

The complaints process can be halted at any time if it emerges that any child or protected adult is at risk, or if legal action is underway, pending or intended. The complaint process cannot be restarted until such issues have been resolved.

There may be times that a complaint raises issues that may require the Chief Officer or Case Manager to seek legal or other specialist advice.

Timescales

The formal complaint letter will be acknowledged by the Case Manager within **10 working days** of receipt.

Within **20 working days** of the complaint being received, the complainant will be invited to a meeting with the Investigating Officer responsible for investigating the complaint. The complainant will have **20 working days** from receipt of this letter to agree to attend a meeting otherwise the complaint will be deemed closed. This meeting should take place as soon as possible. The complainant can be accompanied but not represented by another person at this meeting. The meeting can take place online or via telephone if mutually agreed.

The complainee will be fully advised of the details of the complaint against them as soon as a complaint is received. They will be invited to attend a separate meeting with the Investigating Officer responsible for investigating the complaint. This meeting should take place as soon as possible. A complainee can be accompanied but not represented by another person at this meeting.

The Board members responsible for investigating the complaint will send a letter confirming the outcome of the complaint to the complainant and complainee within **20 working days** following the last meeting held.

In exceptional circumstances, at the discretion of the person leading the investigation, the

process may be adjourned and restarted at the point at which it stopped as soon as it is possible.

Outcomes of a Formal Complaint

Complaints may be upheld or not upheld.

Should a complainee have a complaint upheld against them, they may be subject to disciplinary action. National Disciplinary Procedures would be followed in line with Member Service Employee Handbook. Potential sanctions can include additional training, further supervision, verbal warning, first written warning, final written warning or dismissal. The complainee would be advised by the Member Service who employs them of any sanctions imposed and how they would be monitored, in writing.

Due to data protection restrictions, the complainant **will not** be advised of any specific sanctions against the person or people they made a complaint about.

If a complaint is upheld and is related to the provision of counselling, then even if the complainee has left the organisation the outcome report will be submitted to COSCA within one month of the conclusion of the complaints process. COSCA will publish upheld complaints and their sanctions.

Member Services should check with their insurance providers for the length of time they should keep records of any upheld complaint

7. STAGE 3 - Appeal

An appeal can only progress on the following grounds:

1. New evidence is available that was not considered when the original complaint was investigated, and/or;
2. The correct process was not followed during the investigation of the complaint.

The appeal must be lodged by the complainant in writing within **20 working days** of the date of the letter confirming the outcome of the original complaint. The letter should be addressed to the Chief Officer of the Member Service. The letter must contain the grounds for the appeal. The Chief Officer of the Member Service will acknowledge receipt of the letter within **10 working days** and will inform the complainee that an appeal has been lodged.

The Chief Officer of the Member Service will arrange for an Appeal Panel to consider the grounds for appeal. The panel will consist of a Board member (who has not been involved in the initial investigation) from the Member Service who considered the complaint, a Chief Officer or Board member from another Relationships Scotland Member Service and the Chief Executive or Board member from the Relationships Scotland National Office.

The Appeal Panel will consider whether or not there are grounds for the appeal to progress. They will also consider if decision was not warranted or the sanction disproportionate. The Panel will write to the complainant and to the complainee within **20 working days** of the appeal being received by the Member Service, stating whether or not the appeal meets the requirements to proceed. If not, the matter is deemed closed and the Member Service will

not enter into anymore correspondence with the complainant in relation to the original complaint or appeal.

If the appeal is to proceed, the Appeal Panel will wish to discuss the appeal with the complainant and complaine, in separate meetings. The Panel will contact the complainant, and complaine to meet with the Appeal Panel, by letter. The client will have **20 working days** from receipt of this letter to agree to attend a meeting otherwise the right to appeal will be lost. The meeting should take place as soon as possible. The complainant and complaine must attend any meeting with the Appeal Panel in person or online as mutually agreed and can be accompanied but not represented by another person.

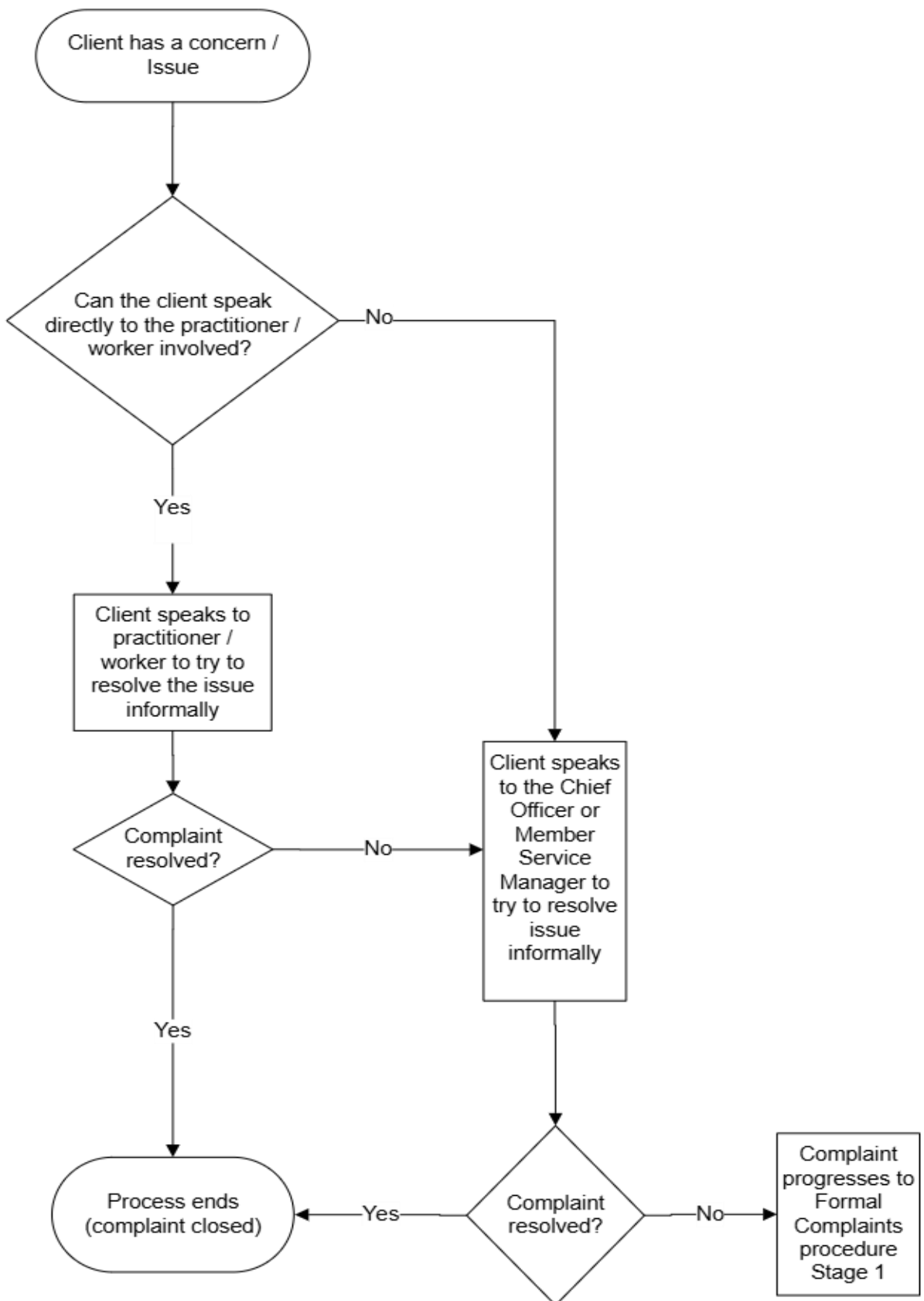
The Chair of the Appeal Panel will write to the complainant, and complaine within **20 working days** of the last meeting held to let them know the outcome of the appeal. Arranging meetings and the deliberations of the panel may take some time, however the appeal process should take no longer than **3 months** from the date of the appeal being lodged.

8. Complaint to COSCA

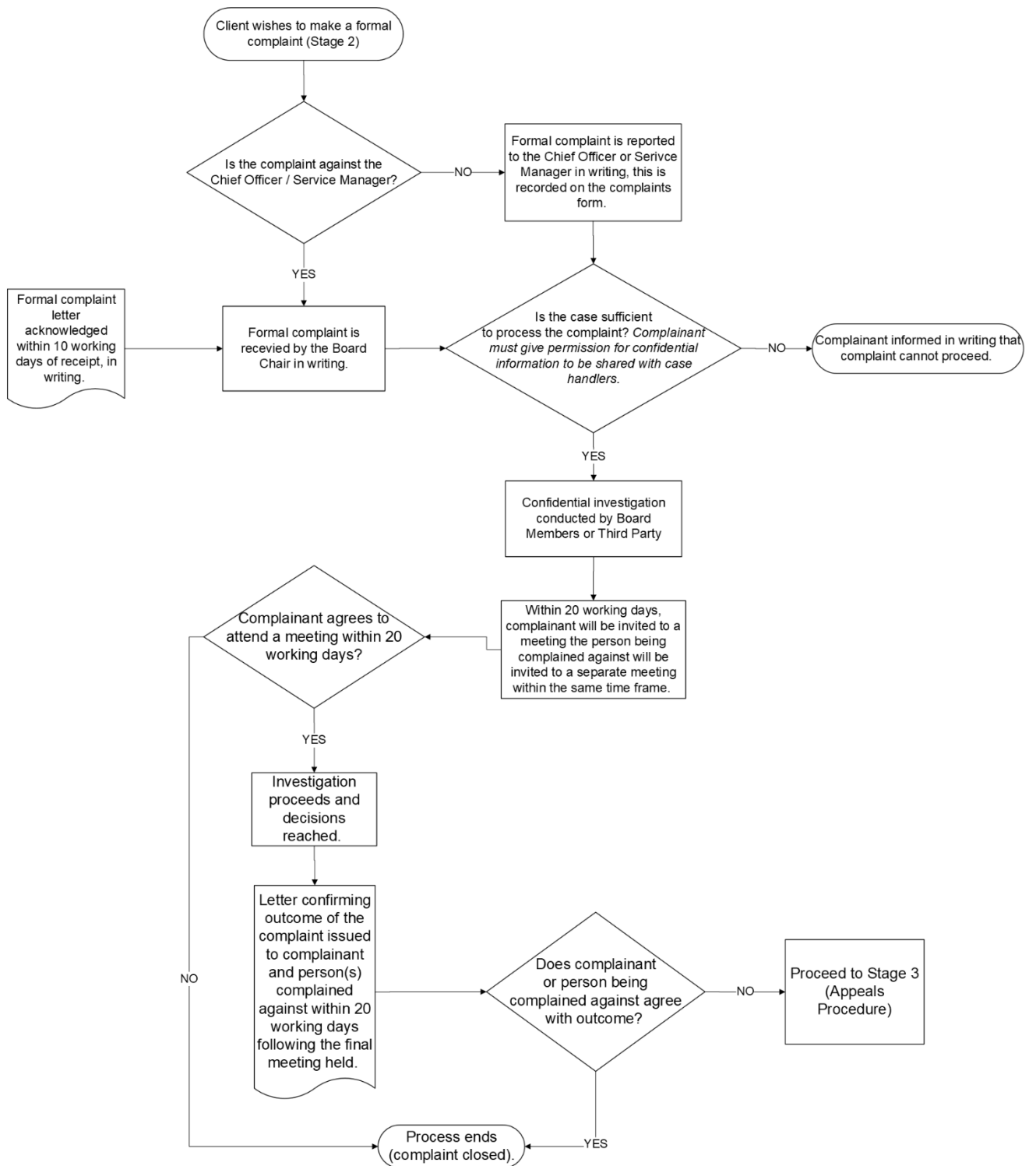
If the complainant attended a Member Service that is also a Member of COSCA (Counselling and Psychotherapy in Scotland) and is not satisfied with the outcome after the appeal process is completed, the client can submit a complaint in writing to COSCA at 16 Melville Terrace Stirling FK8 2NE. The role of COSCA would be to verify that the outcome was lawful, reasonable and properly explained and that there had not been a breach of the COSCA Statement of Ethics and Code of Practice in the course of investigating the complaint.

Complaints relating to counselling can be made to COSCA within one month of the completion of the Appeal process. COSCA's complaints procedure can be viewed here: [COSCA](#)

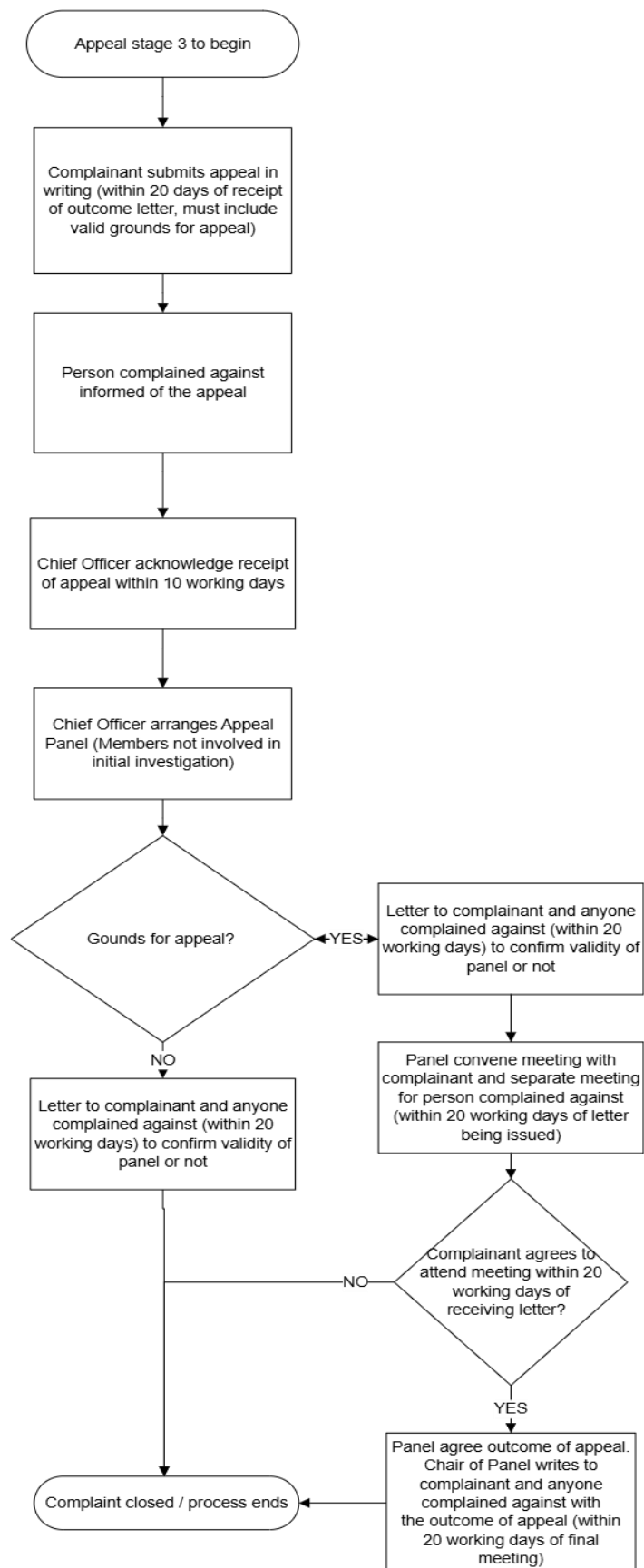
9. Complaints Flowchart: STAGE 1 – Informal Complaint



9. Complaints Flowchart: STAGE 2 – Formal Complaint



9. Complaints Flowchart: STAGE 3 – Appeal



10. Complaint Form



Complaints Form

Stage of complaint: 1 ▼

Date complaint made:

Details of complainant (Name, DOB, address & telephone number):

Nature of complaint:

Action taken to investigate the complaint:

Who is responsible for carrying out this action: Date action completed:

The name and position of the person or persons who were the subject of the complaint:

Does the complaint / dispute indicate a recurring or systemic issue? Yes ☐ No ☐

If yes, what action was taken to ensure the issue does not recur / that systemic issue has been addressed?

Is the issue resolved? Yes ☐ No ☐

If no, what stage of the complaints' process will now be started.

If yes, how was the complaint / dispute resolved

Date complaint / dispute resolved:

Next steps / actions

Form completed by: Date:

For Office Use Only

Name of Member Service:

Full name of Complainant:

Date of Birth:

Full name of Complainee:

Name of person making the record:

Date of record:

Name of any investigating officer(s) (if applicable):

11. Complaint Record

Records of complaints will be logged and recorded by Member Services at all stages. The complaint log should be reviewed annually and as part of the Quality Assurance process. Logging complaints allow Member Services to review their practice and ascertain if patterns occur, conduct internal moderation, consider further training or additional policy requirements to ensure that we are striving for continual improvement as a Network.

For further guidance on keeping a complaint log Chief Officers can refer to the internal policy: Complaint Policy – Investigating a complaint

12. Third-party Complaints

Relationships Scotland Member Services welcome comments on the service they provide to clients, however, they are not required by law to investigate third-party complaints.

The Relationships Scotland Complaints Policy, Procedures and Guidance is used when a client has a concern with the service they have received.

There may be times when someone who did not personally receive a service from a Relationships Scotland Member Service may have a complaint to make.

A complaint will be accepted from a solicitor on behalf of their client. Whenever possible, if a solicitor raises a complaint on behalf of their client they will be encouraged to ask their client to engage directly with the relevant service. A client cannot raise a complaint on behalf of another client.

Third-party complaints will be considered by the Chief Officer or Service Manager or Chair of the Member Service. Complaints can be made verbally, in writing or anonymously. All complaints will be dealt with impartially and confidentially.

Complaints are accepted within one year of the date of the incident which has caused concern.

If a third-party complaint is upheld, the National Disciplinary Procedures may be instigated against anyone who has had a complaint upheld against them. Any learning will be used by the Member Service to improve future service delivery.