

## **GUIDANCE FOR PEOPLE WISHING TO MAKE A COMPLAINT**

This guidance is to assist clients of a Relationships Scotland Member Service when they are concerned about the service they have received. This guidance should be read alongside the *National Complaints Policy and Procedures*.

Many matters can be resolved without progressing to the Formal Complaint Stage. If you have a concern about a service you have received, then we would like to know so we can try to put matters right. You are encouraged to raise the matter informally with the person with whom the issue has arisen. If this is not possible or doesn't resolve your issue you can contact the Member Service and ask to speak to the Manager of the service, who would seek to resolve the issue if possible. If you are not satisfied at this stage, you may wish to move on the Formal Complaint Stage.

Complaints are accepted within 1 year of the date of an incident and should be dealt with as quickly as reasonably possible. The whole process, including a potential appeal, should normally not take any longer than 6 months.

Every effort will be made to keep to the timescales mentioned in this document, but if there are exceptional circumstances which may cause a delay, this must be communicated to other parties involved in the complaint at the earliest opportunity and before any timescale is overrun.

If your complaint raises any issues to do with child protection or a criminal matter, then there may be formalities which will involve external bodies e.g. police or social work. Such circumstances may lead to your complaint being put on hold until these issues have been fully resolved.

*We do understand that the circumstances around a complaint can sometimes lead to heightened emotions and we will do our best to help resolve any issues as quickly and effectively as we can. If a complaint is accompanied, however, by aggression or harassment, the Member Service is within its rights to refuse to meet with you during the process or to engage with you in any form beyond written contact within the strict parameters of this complaints process.*

## **Informal Stage**

You are encouraged to speak to the practitioner / worker involved if possible. If this is not possible or this doesn't resolve the issue, then you should contact the Service Manager in person, by phone, email or letter. They will aim to resolve the matter with you as quickly as possible, ideally within **15 working days** of the original concern being made known.

If the complaint is against the Manager of the Service and you are not content after discussions with the Manager, the Service Chair or someone from the Board of Management will aim to resolve the matter informally with you, ideally within **15 working days** of the original concern being made known.

The person dealing with your complaint will discuss the matter with you and may need to talk to other people in the Service. Because of the nature of our work, and our confidentiality policy, there may be some information we cannot share with you.

## **Formal Complaint Stage**

If matters are not resolved at the Informal Stage, a Formal written complaint can be lodged with the Manager of the Service, who will manage (but not investigate) the complaint process. This should be marked Private and Confidential and posted to Manager or Chair at the main office of the Member Service where the client received a service. The letter must be sent within one year of the incident(s) relating to the complaint.

The letter must contain your full name and contact details, the service that you received relating to the complaint, the time-period that you used this service and details of the complaint you wish to make.

Help with writing letters or submitting the complaint in another format if needed, can be obtained from the Citizens Advice Bureau, Advocacy Service or other similar organisation. If you require the policy and accompanying procedures in a different language or format, or if you require any assistance or advice on how to follow the complaints procedure, please let the Manager of the Service know and they will offer appropriate assistance.

Your formal complaint should be acknowledged by the Manager of the Service within **10 working days** of receipt. The Manager / Chair will determine if there is a sufficient case to support processing the complaint for investigation. As a client you will have signed a confidentiality agreement that allows for your confidential information to be shared with those handling the complaint. You can formally withdraw the complaint at any time

The complaint will then be formally investigated by one or more Board members, if they are deemed suitably impartial to undertake this role. Should Board members not

be deemed to be suitably impartial, then an independent third party should be appointed to undertake the investigation.

Within **20 working days** of the complaint being received, you will be invited to a meeting with the Board members responsible for investigating the complaint. You will have **20 working days** from receipt of this letter to agree to attend a meeting otherwise the complaint will be deemed to be closed. This meeting should take place as soon as possible. You can be accompanied but not represented by another person at this meeting. You must meet your own expenses to attend such a meeting.

Notes which summarise the main points discussed must be taken at any meetings, to ensure that there has been no misunderstanding and that your position is clear. The notes should be agreed at the meetings if possible. The Member Service will keep a record of the notes on file and a copy will be given to you.

Once the Board members have investigated the complaint, a letter will be sent to you within **20 working days** telling you the outcome of your complaint. In exceptional circumstances at the discretion of the person leading the complaint, the process may be adjourned and restarted at the point at which it stopped as soon as is possible.

If all or part of the complaint is upheld the Member Service should pay any expenses incurred by you.

Should someone who was complained against have a complaint upheld against them, they may be subject to disciplinary action. National Disciplinary Procedures would be followed. Potential sanctions include verbal warning, first written warning, final written warning and dismissal.

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

You have the right to appeal. An appeal can only progress however on the following grounds:

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

The appeal must be lodged by you in writing within **20 working days** of the date of the letter confirming the outcome of your complaint.

## Appeal Stage

An appeal can only progress on the following grounds:

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

The appeal must be lodged by you 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 Manager of the Service. The letter must contain the grounds for the appeal. The Manager of the Service will acknowledge receipt of the letter within **10 working days**, and will inform anyone complained against that an appeal has been lodged.

The Manager of the 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 process so far) from the Member Service who considered the complaint, a Manager 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.

The Panel will write to you and to anyone complained against within **20 working days** stating whether or not the appeal meets the requirements to proceed. If not the matter is deemed closed.

If the appeal is to proceed, the Panel will wish to discuss the appeal with you and with anyone who was complained against. The Panel will contact you to offer the opportunity to meet with the Panel. You 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. You must attend any meeting with the Panel in person and you can be accompanied but not represented by another person.

The Chair of the Appeal Panel will write to you within **20 working days** of your meeting to let you know the outcome of the appeal. The setting up of 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.

### **Complaint to COSCA**

If you attended a Member Service that is also a Member of COSCA (Counselling and Psychotherapy in Scotland) and you are not satisfied with the outcome after the appeals process is completed, you 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 complaints and appeals procedures had been followed correctly 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:

[http://cosca.org.uk/application/files/8715/3570/6172/CP\\_2018\\_JULY\\_CURRENT.pdf](http://cosca.org.uk/application/files/8715/3570/6172/CP_2018_JULY_CURRENT.pdf)