



COMPLAINTS POLICY ORGANISATIONAL

For office use:

Version Number	Purpose/Linked documents/ Legislation/ Location	Date:	Author:	Authorised by:	Review Date:	Version Control informed Y/N
V 13.2	Update of COSCA requirements	Sept 21	Chief Exec/Board	Chief Exec/Board	Sept 22	Y

Complaints Policy & Procedures

Introduction

This policy covers complaints that may arise from The Spark's Counselling Services, Education Services, the Relationship Helpline or any other client facing service provided by The Spark. The Spark is committed to providing high quality support to clients and the desire is that matters of concern are resolved co-operatively, informally and as quickly as possible.

However, should a problem arise that cannot be resolved between the people concerned the following procedures and stages must be followed in order to raise a complaint.

If there is any conflict of interest identified by any of the parties involved, then it must be declared as soon as it arises and reported to the Director of Clinical Practice. (see The Spark Conflict of Interest Policy 2019).

Assistance and advice is available to complainants to enable them to understand the complaints procedure, and where they may obtain this support internally and externally (including signposting to an independent advocacy).

Informal One to One Conversation (written or spoken)

This step is for a problem that cannot be resolved between the people concerned. The Clinical Practice Manager will be the person who deals with your complaint. The Clinical Practice Manager will discuss the matter with you and may talk to other people involved in the service and will aim to resolve the complaint to your satisfaction as quickly as possible. The complainant is required to give permission for pertinent confidential information to be disclosed to those involved in the complaint. The Clinical Practice Manager will keep a written record of your complaint and this record will only be accessible to people who becomes involved in dealing with the complaint. Because of the nature of our work and our Confidentiality Policy there may be some information we cannot share with you, for example where one member of a couple comes separately, information given by one party cannot be divulged to you.

If your complaint raises any issues to do with child protection, legal or criminal matters, there may be formalities which will involve external bodies such as social work, police, legal or other specialist advice.

You will receive written notification regarding the outcome of your complaint within 10 working days of your discussion with the person dealing with the complaint. This letter will be kept on file.

If you are not satisfied with the outcome at this stage and you want to take it further, you would activate the Formal Complaints Procedure.

Stage 1: Activate Formal Complaints Procedure

If you wish the complaint to be considered formally you must put your complaint in writing, by letter, to the Director of Clinical Practice within 10 working days of receiving the letter regarding the outcome of your exploration of the complaint with the Clinical Practice Manager. If it is not possible to submit a complaint in writing, assistance to submit in another format will be offered. If no letter is received by The Spark within 10 working days of your complaint the file will be closed.

At this stage the complaint must be in a letter (not an email) dated and signed by you. This letter will be kept on file. The letter will be acknowledged within 7 working days of receipt. The person complained against will be given a copy of your complaint.

At the discretion of the complaint's manager, with due regard to time restraints and confidentiality, the process may be adjourned or put into recess. Also, The Spark will halt the complaint at any stage should it emerge that legal action is underway, pending or intended, until any legal process is complete. The process will be restarted at the point at which it was stopped, within a reasonable time.

Formal Consideration of your Complaint

Your complaint will be dealt with by the Director of Clinical Practice. If the Director of Clinical Practice is not deemed to be impartial then an alternative professional of equal standing will be appointed.

The Director of Clinical Practice or the person appointed to deal with your complaint will contact you within 10 working days of receiving your written complaint to offer to discuss your complaint in a face-to-face meeting. The complainant may be accompanied by a support person if they wish. You must tell us the name of the person who will accompany you. Unless there are exceptional circumstances this meeting must take place within 28 days of the offer being made. If this offer is not taken up within this timescale the complaint will be closed.

At the meeting the person dealing with your complaint, who will be accompanied by someone who will take notes of the proceedings, will aim to resolve it to your satisfaction. Thereafter a written response to your complaint would normally be expected within 21 days including any action taken or planned.

If the complaint is still unresolved, you may proceed to the Independent Appeal Committee.

Stage 2: Appeal Procedure

The Independent Appeal Committee is the authority of last resort. An appeal can only be lodged when the previous stages have been exhausted.

Your appeal must be sent to the Chief Executive Officer by letter, dated and signed by you and contain the grounds for your appeal. It must be received within 28 days of the letter confirming the outcome of Stage 1.

The Appeal Committee is independent of any person concerned with the complaint thus far. The Appeal Committee will sit within 28 days of receipt of your written appeal. The Appeal Committee will comprise two of The Spark's Board Members.

The Appeal Committee will hear separately the evidence from the complainant and the party complained against. The complainant may be accompanied by a support person if they wish. The Committee will consider the facts; decide the outcome by which the parties will abide; and announce its decision in writing, with reasons, within 7 days of the meeting. The Committee may recommend the imposing of sanctions e.g. Practitioner may be asked to retrain, or Practitioner may face a disciplinary process.

All parties will be expected to abide by the outcome of the Appeal. There is no procedure for any further appeal through The Spark. However, this does not exclude the right to refer the complaint to COSCA or to take proceedings through the legal court system. Following completion of The Spark's procedure, complaints being taken to COSCA must be made within the time limit of one month.

At the conclusion of the complaints procedures a report will be submitted to COSCA and will include any training / sanctions imposed and how this will be monitored.

This document is available to download from The Spark website www.theSpark.org.uk. This document can be made available in other languages and formats on request.

The Spark, 100 Wellington Street, Glasgow, G2 6DH. Telephone: 0141 222 2166.

COSCA, 16 Melville Terrace, Stirling. FK8 2NE. T 01786 475140

End Notes

- If a complaint is anonymous it will be investigated and where evidence is found to support the complaint internal training or disciplinary action will be taken as appropriate. Where a complaint is found to be vexatious or malicious, the matter will be closed.
- If the person complained against has left the organisation, any investigation will be conducted for the learning of the organisation, and if possible, the complained against offered the opportunity to represent their own interest. The outcome report will be sent to COSCA. If the former employee is a member of COSCA, COSCA may investigate under their system for dealing with information about members.
- COSCA will, on receipt of the complaint, conduct a procedural review. COSCA will publish upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations.
- The Spark Counsellors are obliged to pass on information to clients on COSCA's Complaints procedure.
- This procedure covers complaints against member of staff, individuals (paid and volunteer) and groups carrying out work related to counselling and psychotherapy.
- Complaints made by representatives or third parties are acceptable.
- Complaints can be investigated for up to three years from the date of the alleged incident. Complaints made after this time will not be investigated.
- Complaints can be discontinued if the complainant fails or refuses to participate at any stage without good reason or the complainant formally withdraws the complaint. Both parties will be informed by letter.