

COMPLAINTS PROCEDURE

PURPOSE

This procedure is designed to ensure that

- individuals wishing to make a complaint about Wellspring or about anyone who works for Wellspring are empowered to do so
- complaints are investigated promptly and appropriately, and in accordance with the procedural steps set out in this document
- complaints are taken seriously and given due consideration while at the same time ensuring that the subjects of a complaint are treated fairly and without prejudice pending the outcome of any investigation

SCOPE

- This procedure will apply to any complaint made against a self-employed therapist, trainee or employee working for Wellspring. It will also apply to any complaint made against the organisation.
- As an organisational member of the British Association of Counselling and Psychotherapy and of COSCA Wellspring is committed to upholding their professional codes and standards. All our therapists and trainees sign an Agreement of Association or Contract agreeing to abide by these codes and standards. Additionally, individual therapists may be accountable to their professional bodies. Where this is the case, Wellspring reserves the right to refer any complaint or decision about an internal investigation to the relevant professional body (eg BACP, BAAT, BCP, BPS, COSCA, UKCP), or any other member organisation.
- Because of the difficulty of properly investigating complaints after time has elapsed Wellspring cannot undertake to investigate incidents which took place more than three years prior to the date of the complaint's being made.

PROCEDURE

1. General

1.1 Individuals wishing to make a complaint will be given a copy of Wellspring's leaflet *Making a Complaint: Guidance for Clients* and a copy of the *Complaints Procedure*.

1.2 If a client makes a complaint against their current therapist and the therapeutic relationship has broken down the Co-ordinator of Clinical Services will endeavour to ensure that the client receives adequate and appropriate support and ongoing therapeutic help if the client wishes it.

1.3 All information relating to complaints, formal or informal, will be held in strictest confidence and known only to those who require it in order to investigate, advise or make decisions as to the outcome of the complaint.

1.4 A complainant is entitled at any stage in the complaint or investigative process to seek independent advice and representation. Representatives may accompany them to any meetings arranged between themselves and the persons or group investigating on behalf of Wellspring.

1.5 The subject of a complaint may also be accompanied by a friend, colleague or other representative at any such meeting.

1.6 An attempt will be made to be sensitive about the choice of venue(s) for meetings.

1.7 Where a complaint is made about themselves or about a service being offered by Wellspring, every worker has a duty to bring this complaint to the attention of the Co-ordinator of Clinical Services.

1.8 A person who is the subject of a complaint or is implicated in a complaint cannot lead or take part in the formal investigation of the complaint.

1.9 Wellspring reserves the right to dismiss any complaints considered to be malicious or unfounded at any stage in the course of investigation.

2. Informal complaints

2.1 Individuals with a complaint are encouraged to raise it first with the person with whom they have an issue and to try to resolve it informally.

2.2 If this is not possible it is recommended that they discuss the matter with the Co-ordinator of Clinical Services. Such informal complaints (ie those not in writing) will be investigated by the Co-ordinator or a nominated individual or group and the complainant informed as to the outcome of these investigations wherever possible within ten days.

3. Formal complaints: General

3.1 If the complainant wishes to make a formal complaint they may do so in writing to the Co-ordinator of Clinical Services or to the Chair of the Management Committee if the complaint is against the Co-ordinator. They should address the letter to them at Wellspring and mark it "Confidential". It is important that the complainant includes their name and address.

3.2 If the complaint is against a worker at Wellspring the complainant must give written permission for the worker to see a copy of the complaint so that investigation of the complaint can proceed.

3.3 The Clinical Co-ordinator or Chair of Management is responsible for ensuring that a letter is sent within a week of receiving the complaint confirming that it has been received and is being attended to. Any anticipated unavoidable delays to the time schedule that follows will be explained at this point. Every effort will be made to complete the investigation in as short a time as is compatible with practicality and thoroughness. The investigation of some complaints may be complex and take time. However, the complainant should receive a written response with an outcome or update on how the investigation is proceeding within three weeks of the complaint's being received.

3.4 The subject of a complaint will be shown a copy of the original complaint as soon as is practically possible.

3.5 The Clinical Co-ordinator or Chair of Management will gather all information and documentation relevant to the complaint, and this will form the basis of discussion between them and the person who is the subject of the complaint, normally within ten days.

4. Where a complaint is about someone who is not a member of the Clinical Team the procedure will continue as follows:

4.1 The Co-ordinator or Chair will consider the evidence in order to arrive at a conclusion about the complaint. They may involve another colleague or convene a group (from among the therapists, administrative staff and Management Committee

as appropriate) to assist them. The group will consist of no more than three members.

4.2 It may be decided that there are not sufficient grounds to proceed. In this case both the complainant and the subject of the complaint will be informed in writing within five working days of the decision's being made.

4.3 If a decision is made to proceed, the Co-ordinator or Chair, individually or with colleagues as in paragraph 4.1 above, will make themselves available for discussion with both the complainant and the individual complained against. A written record of these meetings will be kept. There will be an attempt to ascertain the complainant's wishes regarding outcome or redress.

4.4 Wellspring may wish to seek external professional advice, and it may be necessary to have the complainant's permission to discuss the case in these contexts. This should be obtained in writing.

4.5 The decision about the complaint will be communicated to the complainant in writing within ten working days of the completion of the investigation. A copy of the outcome of the complaint will also be sent to the individual complained against.

4.6 If the complainant is dissatisfied with the outcome of the investigation an appeal may be made to the Chair of Management or to a nominated member of the Management Committee if the Chair has taken a role in the investigation. The complainant will receive a letter acknowledging receipt of the appeal within one week of its being received, and a written response within three weeks. The decision made will be final.

4.7 The person against whom the complaint has been made, if the complaint is upheld, will be subject to Wellspring's Disciplinary Procedure.

5. Where a complaint is about a therapist or the clinical management of a case

5.1 The Chair of Management must always be informed. The Chair will review the findings of the investigation and will make the final decision regarding the outcome of the complaint, taking advice where necessary.

5.2 After following the procedures under section 3 above, the Clinical Co-ordinator (or Chair of Management if the Co-ordinator is implicated in the complaint) will convene and take lead responsibility for an investigative group, whose members will be selected from among the therapists and Management Committee, as appropriate.

This group will consist of no more than three members. Where the Chair takes lead responsibility a nominated representative from the Management Committee will undertake the review and final decision-making.

5.3 The investigative group will make decisions as to the handling of the complaint. It may be necessary, for example, to take legal advice, contact other professionals, take psychiatric advice or liaise with an organisational client if the complainant is an employee receiving counselling through Wellspring's employee assistance programme. There may be discussions with the complainant, therapist and supervisor. Where necessary the complainant's permission to discuss the case in these contexts must be obtained in writing, before the case proceeds further. Depending on the nature and seriousness of the allegations, it may be necessary to suspend the therapist's clinical work at Wellspring while the complaint is being investigated.

5.4 If at any stage it is decided that there are not sufficient grounds to proceed with the complaint, the complainant, the subject of the complaint and the Chair of Management will be informed in writing within five working days of the decision's being made.

5.5 Where a decision is made to proceed, the person taking lead responsibility will follow the procedures and time-scales described in 3.2 - 3.5 above for dealing with formal complaints. With the other members of the investigative group they will discuss the complaint with the complainant and any independent witness the complainant may choose to have present. They will try to ascertain the complainant's wishes regarding outcome or redress. A written record of these meetings will be kept.

5.6 The group will then carry out any necessary investigation, including discussions with the person who is the subject of the complaint. A written summary of these discussions will be sent to the complainant within ten working days.

5.7 When an investigation is complete, the person taking lead responsibility, with the other members of the investigative group, will discuss their findings with the person against whom the complaint has been made. They will send them a written summary. A written summary will also be sent to the complainant, with the offer of a meeting with them to discuss the conclusions, should they wish to do so.

5.8 A written report on the findings will go to the Chair of Management or a nominated representative if the Chair has been involved in the investigation. Advice may need to be sought concerning the complaint and investigation. Once this has been received the Chair or their representative will communicate their decision

to the complainant in writing. This will be done within five working days of receiving the necessary advice. If this process takes longer than three weeks from the time the complainant received or discussed the written summary (see 5.7) a letter will be sent explaining the reasons for the delay.

5.9 The complainant will be advised that if they are dissatisfied with the conclusion they may have independent right of complaint to BACP, COSCA, UKCP or other registering body.

5.10 If the complaint is upheld the person against whom the complaint has been made will be subject to Wellspring's Disciplinary Procedure. Where a therapist is in breach of the ethical principles of BACP or COSCA Wellspring may refer the case to the relevant professional body for further investigation. In cases of serious professional misconduct Wellspring reserves the right to inform the therapist's professional body if a complaint has been upheld against them.