

Complaints Procedure for Service Users & Members

The aim of this procedure is for LIFE-FORCE Centre and Counselling Service to provide a means of examining complaints relating to alleged breaches by a member of the LIFE-FORCE organisation of the Centre's Code of Ethics &/or Policies & Procedures &/or Professional Practice hereafter referred to as Policies & Procedures within this document. This procedure should be read in the understanding that all Members includes Staff, Practitioners, Tutors, Students on Placement and Supervisors who are, where relevant, also bound by the Code of Ethics and Practice of their own professional body. In such circumstances that the complaint is either an alleged/potential criminal act or act of terrorism, then this procedure will be terminated and the situation passed on to the appropriate authorities. Depending on the situation at the time, the Member may be suspended from LIFE-FORCE pending investigation. LIFE-FORCE reserves the right to seek legal advice concerning a complaint if considered necessary. There are two complaint procedures, informal and formal. The informal procedure is the usual starting point for most complaints. However the Complainant may choose to use the formal procedure immediately if they so wish.

Submission Eligibility & Confidentiality

Complaints should be made as near as possible to the time of origin. Complaints concerning events that occurred more than 12 months prior to the complaint being raised with the Director will not normally be investigated. Complaints will only be accepted from a person who is either; a Service User of a Member's services in their role as staff, practitioner, tutor, trainee counsellor, supervisor or; a member of the organisation. If the Complainant is under 18 years of age they will need an advocate to support them through the Complaints Procedure process. The Member complained against must have been a member of the LIFE-FORCE Organisation at the time of the alleged breach in the Policies & Procedures. Confidentiality is to be maintained by both parties to a complaint from the outset in respect to any confidential matter involved in the complaint. Both parties will be advised of this.

The Informal Procedure

To raise complaints informally, the Complainant is encouraged to discuss their concerns directly with the member with whom they have a complaint. If they feel unable or are unwilling to do this, or are not satisfied with the response they receive then they should take their complaint to the Director, Nicole Joyce. The Director will help the Complainant decide whether they wish to make the complaint formal by putting it in writing. Should the Complainant wish to proceed with a formal complaint then the complaint should be made within 20 days following this stage of the procedure. Once the complaint has been formalised in writing it will continue within the formal complaints procedure.

The Formal Procedure

In order for formal complaints to be actioned, they must be submitted in writing and addressed to the Director marked "Private and Confidential" along with explicit written consent to share the content with the Member concerned, the relevant office staff and the Service Support Manager. Written acknowledgment will be sent out within 10 working days of receipt. It would be helpful, but not essential, if the written complaint could include reference to the specific sections in the Policies & Procedures alleged to have been breached by the Member. The complaint must be accompanied by a detailed statement of the situation and behaviour or malpractice being complained about, and include a clear account including any relevant factors and substantiating evidence.

Stage 1:

A copy of the complaint will be sent to the Member involved. The Member is required to respond to the complaint by writing directly to the Complainant and also provide the Director with a copy of their response within 20 working days. An acknowledgement and considered response from the Member may prove to satisfactorily meet the Complainant's concerns, and therefore no further investigative action will be required. Alternatively should this not be the case the Complainant can take the matter further and the complaint will proceed to **Stage 2**. In either situation they should put their decision in writing to the both the Member and the Director.

N.B. Both parties should aim to reply to all correspondence within 20 working days throughout this stage of the complaints procedure.

Stage 2:

The Complainant's continued complaint will be acknowledged by the Director within 10 working days of its receipt. The Director will examine the complaint and take immediate action if this is considered necessary. In most cases an independent External Mediator will be employed to manage Stage 2 of this procedure and both parties will be informed accordingly. The Director will forward the complaint to the External Mediator who will consider it at their earliest convenience, normally within 20 working days, and decide if there are adequate grounds for the submission of a complaint. During the time period of the complaint, the nature of the complaint will not be discussed by the Director with either party involved in the complaint.

N.B. In certain circumstances the Director may manage Stage 2 of this procedure.

Where further information is required, the External Mediator (or the Director) will investigate the complaint by interviewing separately the Complainant and the relevant Member, during which the Complainant & Member can each, if they wish, choose an independent witness to be present. This person must not be associated with LIFE-FORCE. Based on the content of these interviews, individual reports will be compiled plus a concluding statement which will include the actions/recommendations to be taken to resolve the complaint. The end of this concluding statement will also include a summary detailing the findings of the External Mediator with regard to one of the following; there is no case of malpractice to answer; there may be a case of malpractice to answer; or the matter is not within the remit of the Policies & Procedures of the organisation.

These reports, statements and any responses will be sent to both the Complainant and the relevant Member within 20 working days following the meeting with the External Mediator. Where this results in a satisfactory outcome for the Complainant, no further action will be taken.

Stage 3:

Where it is found there is no case of malpractice to answer by the Member but the Complainant deems the concluding statement and intended actions/ recommendations unsatisfactory, then depending on the circumstances and if considered appropriate by the External Mediator &/or Director, the External Mediator will be employed to manage Stage 3 of the complaints procedure. This will involve a meeting between the External Mediator, Complainant and the Member who is the focus of the complaint. Both the Complainant and the relevant Member have the right to bring a neutral advocate person to act as witness to the proceedings. This neutral person must not be associated with the LIFE-FORCE Organisation.

The External Mediator will record the meeting, including action that is to be taken to resolve the issues brought by the Complainant against the Member, and will send a copy of this record to all the parties involved including the Director.

The aim is for Stage 3 to be completed within 30 working days and that the complaint will be resolved to the satisfaction of all parties. Should this not be the case and the matter remains unresolved, then the Complainant can take the matter further by making a written complaint directly to the professional body of the Member who is the focus of the complaint, detailing their complaint and the reason for their dissatisfaction with the outcome of the organisation's internal complaints procedure. The complaint then becomes a matter to be dealt with by the professional body which will usually be BACP (British Association for Counselling Psychotherapy).

Stage 4:

Where it found that there may be a case of malpractice to answer then the Director will appoint an Adjudication Panel of two or more persons. This panel will be comprised of External Consultants, but will exclude the External Mediator. The Complainant and the Member complained against have the right to be present during the adjudication hearing. If the Complainant fails to attend when asked to do so, without reasonable cause, then the complaint may be treated as withdrawn. If the Member complained against fails to attend when asked to do so, without reasonable cause, then they may be liable to expulsion from LIFE-FORCE.

The Complainant and the Member complained against each have the right to nominate an advisor who must not be a relative and must be independent of the organisation. The advisors may attend the adjudication hearing. The Adjudication Panel has the right to seek legal advice and can therefore invite a legal advisor to be present at the hearing.

Following the hearing, the Adjudication Panel will make a written report of its findings, which will include the recommendations of the panel. The aim is for Stage 4 to be completed within 60 working days. Copies of the report will be sent to both parties, and to the Director, although there may be separate reports as determined by the needs of confidentiality. The Director and the External Mediator will consider the report of the Adjudication Panel and will then decide what course of action should be taken. Where the complaint is upheld and the Adjudication Panel conclude the Member has committed an act of malpractice it may be necessary to follow or refer to the Internal Disciplinary Procedure. The Complainant will be informed in writing of the outcome regarding disciplinary proceedings or sanctions as applied to the Member.

Sanctions

Should a complaint be upheld, then one or more of the following courses of action may be taken:

- a) The Member concerned gives an apology to the Complainant.
- b) The Member is required to give an undertaking that they cease to practice in a particular manner and/ or cease work with particular clients, trainees or other types of persons.
- c) The Member is required to undertake additional supervision and/or further training at the Member's cost.
- d) The Member is given an informal warning.
- e) The Member is given a formal warning indicating that further breaches of the Policies & Procedures may lead to suspension or expulsion from the LIFE-FORCE Organisation.
- f) The Member is suspended from membership of the LIFE-FORCE Organisation for a time period not exceeding two years or removal from membership of LIFE-FORCE Organisation. This would include suspension or removal from any post held in the LIFE-FORCE Organisation.

Appeals

If either party wishes to appeal, this must be made in writing to the Director within 20 working days of the notification of findings.

The party making the appeal will be asked to demonstrate 'good cause' and submit information, which would support the appeal. An appeal may be heard on the following grounds:

- a) New evidence has come to light, which may affect the substantive conclusion &/or recommendations in the findings of the Adjudication Panel.
- b) The procedure as outlined in this document was not properly followed.
- c) The Member may appeal against the recommended sanctions.

The Director will convene an Appeals Panel of three External Senior Practitioners who have no prior involvement in the case. The Appeals Panel will meet to consider the appeal on the written evidence presented to them. The Appeals Panel will report their conclusions and recommendations to the Director who will implement the decision of the Appeals Panel, which will be final. The aim is for the appeals procedure to be completed within 30 working days.

Any Member of LIFE-FORCE Organisation complained against and any Complainant may appeal to BACP on grounds of procedure within 28 days of receiving the report of the final outcome. BACP members are advised to contact BACP to be informed of policy regarding complaints.

Notification to BACP

The name of a Member that has had their membership of LIFE-FORCE Organisation suspended or terminated will be reported to BACP within 28 days. Other relevant professional organisations may also be notified. In such cases the outcome may be published in relevant professional journals. The Complainant's name will not be published.

Removal of Sanctions

A Member who has had their membership suspended, terminated or had other sanctions enforced, may apply to the Director for restoration of membership of the LIFE-FORCE Organisation or lifting of sanctions, not less than 12 months following the date on which such sanction was imposed. Names of those restored to membership of the LIFE-FORCE Organisation will be reported to BACP membership secretary within 28 days. Other relevant organisations may also be notified.

Professional Misconduct

Members should be aware that professional practices, which fall short of the standards expected of a practitioner, violations of ethical conduct, or conduct that brings the professions incorporated within the LIFE-FORCE Organisation into disrepute, constitute professional misconduct. Members whose behaviour is found by an Adjudication Panel to constitute gross professional misconduct may be liable to have their membership of the LIFE-FORCE Organisation suspended or terminated. Behaviour that may result in termination includes the following:

- a) Exploitation of a client, supervisee or trainee e.g. sexual relationship with a client.
- b) Repeated breaches of Policies & Procedures or expected standards, despite warnings.
- c) Malicious behaviour e.g. continuous harassment of individuals within the organisation.

In cases of alleged gross professional misconduct a member may have their membership of the LIFE-FORCE Organisation suspended when the matter is brought to the attention of the Director, pending the outcome of the Adjudication hearing.

Costs

The cost of employing an External Mediator &/or External Consultants &/or External Senior Practitioners will be shared equally between the LIFE-FORCE Organisation, the Complainant and the Member who is the subject of the complaint. However in such circumstances that the complaint is upheld and the Member is found to be fully responsible due to having committed an act of malpractice, then they will be solely liable for the total costs.

LIFE-FORCE hopes that all complaints can be worked through to a point where all parties feel satisfied with the outcome, although this cannot be guaranteed.

Staff Disciplinary Policy

The LIFE-FORCE Centre Staff Disciplinary Policy is applicable to all staff members which includes office and administration staff, counsellor team members, trainee counsellors on placement, maintenance and domestic staff. This policy is designed to encourage the achievement and maintenance of professional standards of practice, conduct and efficiency. This disciplinary policy can be actioned either directly or as a result of the Complaints Procedure being employed and a case of malpractice/misconduct (hereafter referred to as malpractice) being found.

Principles

1. Disciplinary action will only be taken after the situation has been fully investigated either via the Complaints Procedure or the Disciplinary Procedure but, where deemed necessary, the staff member may be suspended whilst the investigation takes place. Such a suspension will be monitored in order that the individual under investigation is not unfairly penalised by such a suspension.
2. All disciplinary meetings, except appeals, will be held by the Director and/or their representative. Should there be a conflict of interest an outside representative will be appointed to conduct the meeting. All meetings will be recorded in writing and will be signed by all present to confirm they are a true record.
3. At every stage in the procedure the staff member will be advised of the nature of the complaint and/or issue and will be involved in any related meetings and will have the opportunity to state their case before any decision is made.
4. The staff member will have the right to be accompanied by a neutral advocate of their choice during any formal disciplinary or appeal meetings. This person must not be associated with the LIFE-FORCE Organisation or be a family member.

Malpractice Categories

Malpractice is considered to be any action that deviates from accepted professional standards and, depending on the nature of the allegation or offence, will generally fall into one of the two following categories:

1. **General Malpractice** - in which case the Disciplinary Procedure described below applies
2. **Gross Malpractice** – in which case either the Disciplinary Procedure described below applies or the malpractice is of such a serious nature that it could justify instant dismissal for a first offence.

Listed below are examples which would normally be considered to be either general malpractice or gross malpractice respectively.

However, it should be recognised that neither list can be regarded as complete to meet every individual case, and also that action described as general malpractice may amount to and be treated as gross malpractice if the circumstances or the manner of the malpractice are such as to warrant serious disciplinary action. These lists should be regarded therefore as being illustrative rather than exhaustive.