



## **PUBLIC COMPLAINTS PROCEDURE**

### **1 Policy**

1.1 Fife Alcohol Support Service (FASS) aims to provide high quality services for the public in line with the:

- Scottish Government's Quality Principles: Standard Expectations of Care and Support in Drug and Alcohol Services

and

- COSCA Statement of Ethics and Code of Practice

FASS follows a robust process of selection, training and supervision of employees and volunteers designed to ensure quality of service and safe working practice.

People may want to comment on the service they have received, or they may feel unhappy and wish to register their dissatisfaction in the form of a complaint. In such circumstances every effort should be made fully to investigate and resolve the complaint as effectively and speedily as possible.

1.2 Essential points in investigating complaints are speed, courtesy, adherence to a recognised procedure, keeping the complainant fully informed about what is happening, and treating the complaint as important feedback and an opportunity to improve the service and show its value to the client.

1.3 This Policy sets out the procedure to be followed in dealing with complaints from:

- Someone who is using our services now, or who has done so within the past three years.
- Someone who has enquired about one of services
- Someone who is representing someone who is using or has used one of our services

1.4 It covers complaints about services provided by the organisation, its current and former employees and current and former volunteers.

It also refers to specific procedures to be followed regarding complaints relating to the organisation's counselling services and its counsellors who are currently or were formerly employed or volunteering for the organisation. The policy also covers groups carrying out work related to counselling and psychotherapy on behalf of the organisation.

If the complaint is against a former counsellor or worker, then any investigation will be conducted for the learning of FASS e.g. to identify any systematic failures. Given the circumstances, FASS may not be able to conduct a full investigation, however wherever possible the complained against will be offered an opportunity to represent their own interest.

If the complaint relates to a FASS counselling service or former counsellor, then an outcome report will be sent to COSCA, and where the complained against is a former counsellor who is still a member of COSCA, then COSCA may investigate under their system for dealing with information about members.

- 1.5 A copy of the "Public Complaints Procedure" notice should be on display wherever FASS service activities occur e.g. online, in counselling rooms, reception areas.
- 1.6 The "Public Complaints Procedure" is available on request in hardcopy (paper) and electronic (pdf) formats. It is currently only available in the English Language.
- 1.7 FASS encourages anyone wishing to make a complaint to do so as soon as possible. Early action can help ensure a thorough investigation and appropriate response. The organisation expects the Complaints Procedure will take no longer than 6 months maximum to complete.
- 1.8 Complaints will be dealt with in confidence by the organisation - in line with the FASS Code of Confidentiality.
- 1.9 FASS recognises the time limit for making a complaint is 3 years following the date of allegation, However the organisation will consider out-of-time complaints on a case by case basis including any relating to former employees and volunteers.
- 1.10 FASS will instigate the formal complaints procedure and process a complaint for Investigation only in cases where it is clear there is sufficient corroborating evidence to support the complaint.
- 1.11 FASS will consider anonymous complaints if there is enough information in the complaint to enable proper investigation under **Stage 1** of the procedure. If there is not enough information in the complaint, then the organisation may decide to take no further action.
- 1.12 All parties involved in a complaint must declare any conflict of interest to the designated Complaint Manager.

## **2 Identifying Complaints**

- 2.1 Sometimes it may be difficult to tell if someone wishes to register a formal complaint or wants to make a comment about the service.

FASS employees and volunteers who are the initial contact with the person concerned should try to clarify his/her intention. To help the individual decide it may be necessary to explain the procedures involved in progressing a formal complaint and supplement this with a copy of the FASS leaflet "How to make a complaint against Fife Alcohol Support Service".

- 2.2 COSCA recommend that complainants are first offered an informal process (with a record kept of contact and outcomes) before progressing onto the formal procedure; for example, complainants are encouraged to speak informally to their counsellor/support worker or a manager before starting the formal complaints process.

If the complainant does not wish to make a formal complaint then following informal discussion, the relevant Project Manager or the organisation's Service Manager may respond with actions intended to improve the quality of service.

### **3 Supporting Members of the Public to make a Complaint**

- 3.1 Whenever a person says that he/she wishes to make a formal complaint, then that person (the complainant) should be supported to do so.
- 3.2 The complainant should be given a choice of making the complaint orally, in writing or through a representative such as an advocate or translator.
- 3.3 Where the complainant wishes to make an oral complaint the details should be recorded and then read back to the complainant to ensure that the details are an accurate representation of the complaint. The complainant should be asked to sign or indicate his/her agreement with its content.

## **4 Procedure for Dealing with Formal Complaints**

### **Stage 1 – Formal Complaint**

- 4.1 Complaints should be passed to the organisation's Service Manager who will act as the Complaint Manager. If the Service Manager is not immediately available, then the complainant should be told that the details of the complaint will be passed on to the Service Manager as soon as possible.
- 4.2 The Service Manager will communicate with the complainant, and deal with the complaint.

The Service Manager is:

Jim Bett  
Service Manager  
Fife Alcohol Support Service (FASS)  
17 Tolbooth Street  
Kirkcaldy  
KY1 1RW

Tel: 01592 206200  
Email: jim.bett@fassaction.org.uk

- 4.3 In the event of the post of Service Manager being vacant or the post-holder being unavailable, then the organisation's Executive Committee (Trustees) will designate someone to act as the Complaint Manager.
- 4.4 If the complaint is in relation to the Service Manager then the complaint should be directed to the Chairperson of the organisation's Executive Committee (Trustees).

John Hamilton  
Chairman  
Fife Alcohol Support Service (FASS)  
17 Tolbooth Street  
Kirkcaldy  
KY1 1RW

01592 206200

#### 4.5 **Complaints about services (excluding Counselling Services)**

The Complaint Manager will convene a Panel to process the complaint. The panel will consist of:

- Complaint Manager (Chair)
- 1 or 2 persons (who are independent of the complainant and who do not have direct responsibility for any individual sited in the complaint)

In dealing with a complaint the Panel should follow the timetable outlined below (section 5).

4.6 To process the complaint, the complainant is required to give permission for confidential information pertinent to the complaint, to be disclosed by all parties cited in the complaint to those involve in handling the complaint.

4.7 Good practice dictates that, wherever practical, investigation of the complaint should be separated from decision making, therefore:

- the panel may appoint 2 independent persons to investigate the complaint, interview any individuals concerned and produce a report.
- The complainant and the party complained against will be informed by the Complaint Manager that they have the right to attend and submit evidence to the Investigation separately and not together and may choose to be accompanied by a supportive person of their choice. The organisation recognises that all parties involved may seek legal or other specialist advice.
- Interviews or representations will be conducted in confidence with the parties involved in the complaint kept separate and not coming into contact during the investigation.
- The Panel will assess information gathered from the investigation against the detail of the complaint and will decide what action is required.
- The Panel will state the commencement date and duration of any actions to be applied. Actions will not be applied until the possibility of an appeal being upheld expires.
- The Complaint Manager will then communicate the conclusions of the panel to the complainant and the complained against, orally, if possible, and in writing.

4.8 The organisation's Service Manager will be responsible for ensuring that any redress or recommendations are applied, monitored and fulfilled.

- 4.9 Once the full terms of sanctions have been fulfilled the organisation's Service Manager will communicate this in writing to the complainant and the party complained against.

### **Complaints relating to the organisation's Counselling Services**

- 4.10 If the complaint relates to the organisation's Counselling Service and any alleged breach of the COSCA Statement of Ethics and Code of Practice, then the Complaints Manager will convene a Counselling Standards Panel to process the complaint. The panel will consist of:

- Complaint Manager (Chair)
- 1 or 2 Counselling Practice Supervisors or Counselling Co-ordinators or similar (who are independent of the complainant and who do not have direct responsibility for any individual sited in the complaint)
- 1 lay person independent of the organisation.

In dealing with a complaint the Panel should follow the timetable outlined below (section 5).

- 4.11 To process the complaint, the complainant is required to give permission for confidential information pertinent to the complaint, to be disclosed by all parties cited in the complaint to those involve in handling the complaint.

- 4.12 The Counselling Standards Panel will follow principles of good practice:

- The panel may appoint 2 independent persons to investigate the complaint, interview any individuals concerned and produce a report. The panel and investigators will act confidentially in their handling of the complaint.
- The complainant and the party complained against will be informed by the Complaints Manager that they have the right to attend and submit evidence to the Investigation separately and not together and that they may choose to be accompanied by but not represented by a supportive person of their choice. The organisation recognises that all parties involved may seek legal or other specialist advice.
- Interviews or representations will be conducted in confidence with the parties involved, who will be kept separate and will not come into contact during the investigation.
- The panel will assess information gathered from the investigation against the detail of the complaint. If necessary, it may also conduct further interviews or hear representations, or seek legal or other specialist advice.
- If the complaint is upheld by the panel, sanctions may be applied including recommendations regarding, for example: ceasing to practice either temporarily or permanently; changing working structures and management systems; undertaking further training or personal therapy; increasing and/or changing supervision arrangements.
- The Counselling Standards Panel will state the commencement date and duration of any sanctions to be applied. Sanctions will not be applied until the possibility of an appeal being upheld expires.

- The Complaints Manager will communicate the Panel's conclusion to the complainant and the party complained against and will do so orally, if possible, and in writing.

4.13 The organisation's Service Manager will be tasked with ensuring application of any sanctions applied. Sanctions will be monitored regularly by the Service Manager to ensure compliance.

4.14 Once the full terms of sanctions have been fulfilled the organisation's Service Manager will communicate this in writing to the complainant and the party complained against.

## **5 The following timetable should be applied to dealing with a Complaint:**

5.1 Complaint acknowledged orally, if possible, and in writing within **five working days** of receipt, indicating proposed action, by whom and on what date, or the conclusion of the Complaint Manager. The Complaint Manager will communicate with both the complainant and complained against.

5.2 Full response by the Complaint Manager to the complainant and complained against, orally, if possible, and in writing within **twenty working days** of receipt and including the following:

- Details of the investigation
- A decision on whether the complaint is upheld or not
- The organisation's offer of redress (if complaint is upheld) e.g. an apology
- Any other action that will be taken such as sanctions
- If it has not been possible to complete the investigation within 20 days, the reasons why and the expected completion date

5.3 At the discretion of the Complaint Manager and with due regard to time restraints and confidentiality, the complaints process may be adjourned or put in recess. The process will be re-started at the point at which it was stopped, within a reasonable time.

5.4 The Complaint Manager may halt the complaint procedure at any point if it emerges that legal action is either under way, pending or intended. The complaints procedure can be halted until any legal process is complete.

5.5 A complaint can be discontinued if

- The complainant fails or refuses to participate at any stage of the complaint process without good reason.
- The complainant formerly withdraws the complaint.

The Complaint Manager will inform all parties cited in the complaint.

5.6 Upon conclusion of **Stage 1** the complainant may accept the Complaint Manager's conclusion and the matter will be concluded.

5.7 The Service Manager will be responsible for ensuring that any redress or recommendations are applied, monitored and fulfilled.

## 6 Stage 2 – Appeals

- 6.1 An Appeal is a representation to the Trustees of the charity for a review of a decision made under Stage 1 of this procedure. Appeals will only be considered on the following grounds, and must be supported by evidence:
- There are serious circumstances that the Complaints Manager (and Panel or Counselling Standards Panel) was not aware of during Stage 1, such as new relevant evidence.
  - There were procedural irregularities in the conduct of the Stage 1 investigation process in that there is evidence that relevant ethical guidelines, regulations, policies or procedures were not applied correctly.
  - There is evidence of bias or prejudice.
- 6.2 The complainant and/or complained against should communicate an intention to appeal within 10 working days following receipt of the Complaint Manager's response following Stage 1 of this procedure. This communication should be made to the Chairperson of the organisation's Executive Committee (Trustees):

John Hamilton  
Chairman  
Fife Alcohol Support Service (FASS)  
17 Tolbooth Street  
Kirkcaldy  
KY1 1RW

01592 206200

The complainant should provide a reason why the outcome of Stage 1 should be reviewed citing one or more of the grounds for Appeal listed under point 6.1 above. The complainant should also submit any new evidence which has not previously been submitted in support of the appeal.

- 6.3 The Appeal should be acknowledged orally and/or in writing within **five working days** of receipt by the Chairperson of the Executive Committee.

### **Appeals relating to Complaints about services (excluding Counselling Services)**

- 6.4 The Chairperson will convene an Appeals Panel of at least 2 Trustees to consider the Appeal. No person will have previous involvement in the Stage 1 investigation of the complaint.

The Complaint Manager will provide copies of the complaint record plus all relevant correspondence and information to the Chairperson.

The Appeals Panel should dispose of the complaint on the basis of the written evidence or hear the parties as appropriate. Any interviews will be conducted under the same principles of good practice as in Stage 1.

- 6.5 The Chairperson will provide a full response to the complainant and complained against, orally, if possible and in writing within **twenty working days** of receipt and include the following:
- Details of the Appeals Panel investigation
  - A decision on whether the complaint was upheld or not
  - The organisation's offer of redress, (if complaint is upheld) e.g. an apology
  - Any other action that will be taken as a result of the Appeals Panel investigation
  - If it has not been possible to complete the investigation within 20 days, the reasons why and the expected completion date
- 6.6 The Appeals Panel may halt the complaint at any stage if it emerges that legal action is under way, pending or intended. The complaints procedure can be halted until any legal process is complete.
- 6.7 A complaint can be discontinued if
- The complainant fails or refuses to participate at any stage of the appeal process without good reason.
  - The complainant formerly withdraws the complaint.
- The Appeals Panel will inform all parties cited in the complaint.
- 6.8 The organisation's Service Manager will be responsible for ensuring that any redress or recommendations/ sanctions are applied, monitored and fulfilled.

### **Appeals relating to Complaints about Counselling Services**

- 6.9 The Chairperson of the Executive Committee will arrange an independent Appeals Panel to consider the appeal.
- The panel will consist of at least 2 Trustees and 1 or more person(s) co-opted to provide specialist advice. No one will have previous involvement in the Stage 1 investigation.
- Chairperson of the Executive Committee or another Trustee designated to chair the Appeals Panel.
  - 1 or more Trustees.
  - 1 or more Counselling Practice Supervisors or Counselling Co-ordinators or similar co-opted to provide specialist advice on counselling ethics and practice (who are independent of the complainant and who do not have direct responsibility for any individual sited in the complaint).
  - The Appeals Panel may also seek other legal or specialist advice.
- 6.10 The Appeals Panel should dispose of the complaint on the basis of the written evidence or hear the parties as appropriate. Any interviews will be conducted under the same principles of good practice as those for **Stage 1**.
- 6.11 The Chair of the Appeals Panel will provide a full response orally if possible and in writing to the to the complainant and complained against within **20 working days** of receiving the appeal to confirm the decision about the complaint which will be final. The letter will include:
- The decision of the Appeal Panel.

- The Panel's explanation for arriving at its decision.
- The organisations offer of redress, if appropriate e.g. an apology
- Any action which may be taken in light of the decision.
- If it has not been possible to complete the investigation within 20 days, the reasons why and the expected completion date

6.12 The Appeals Panel may halt the complaint at any stage if it emerges that legal action is under way, pending or intended. The complaints procedure can be halted until any legal process is complete.

6.13 A complaint can be discontinued if

- The complainant fails or refuses to participate at any stage of the appeal process without good reason.
- The complainant formerly withdraws the complaint.

The Chair of the Appeals Panel will inform all parties cited in the complaint.

6.14 The organisation's Service Manager will be responsible for ensuring that any redress or recommendations/ sanctions are applied, monitored and fulfilled.

## **7 If following Appeal, the complainant is not satisfied that his/her Complaint has been properly addressed by Fife Alcohol Support Service.**

### **7.1 Complaints relating to services (excluding Counselling Services)**

Where a complainant indicates that he/she is not satisfied, then the Chair of the Executive Committee will write to him/her providing details of an independent arbiter who will reconsider the case if the complainant wishes to contact them.

The independent arbiter will, if contacted, make arrangements to investigate the complaint and review FASS' handling of it. For these purposes he/she will request copies of all correspondence related to the complaint and may in due course arrange to interview the complainant, and/or Complaint Manager and/or Chair of the Appeals Panel.

The decision of the arbiter will be considered as final and no further correspondence will be entered into on the matter.

### **7.2 Complaints relating to Counselling Services**

FASS is an Organisational Member of COSCA (Counselling and Psychotherapy in Scotland).

If the complainant is dissatisfied with FASS' response following completion of **Stage 1** and **Stage 2 (Appeal)** of this procedure, then the complainant may contact COSCA.

A complaint to COSCA can be submitted within 1 month following the conclusion of Stage 2 of the FASS Complaints Procedure.

On receipt of a complaint, the role of COSCA is to verify:

- that the Organisational Member's complaints procedure has been followed and that there has not been a breach of the COSCA Statement of Ethics and Code of Practice in the course of investigating the complaint.
- that the outcome of its procedures is not unlawful, unreasonable, unjust, oppressive, discriminatory or otherwise wrong.
- that the above outcome is based on policies and practices that are not unreasonable, unjust, oppressive or discriminatory.
- that the above outcome was explained properly to the complainant.

A complaint should be made in writing using the proforma for Submitting a Complaint to COSCA and within the procedures laid down in the COSCA Complaints Procedure (see [www.cosca.org.uk/guidance-policies/complaints](http://www.cosca.org.uk/guidance-policies/complaints)).

The above proforma can be obtained from COSCA. This must be completed and sent, signed, dated and marked 'private and confidential' to the:

Chief Executive,  
COSCA (Counselling & Psychotherapy in Scotland),  
16 Melville Terrace,  
Stirling  
FK8 2NE

For more contact details see Getting Further Support below.

## 8 Directing Complaints

- 8.1 If a complaint is made out with the proper channels, i.e. direct to the Chair of the Executive Committee (Trustees), the complaint will be passed immediately to the Service Manager to initiate **Stage 1** of the process. The complainant will be informed of what action has been taken and provided with a copy of the complaints leaflet.

## 9 Malicious and Vexatious Complaints

- 9.1 The presumption should be that a complaint is made in good faith. If at any point prior to or during Stage 1 and Stage 2 of this complaint procedure we become aware that the complaint is made with vexatious or malicious intent, then a decision and recommendations for further action may be made on this basis.

Every complaint should be considered on its merits and, even if someone has made a vexatious or malicious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious or malicious.

## 10 Recording Complaints

- 10.1 The Service Manager will keep the following record for every formal complaint received and should be kept together in one place in an accessible form:
- Date complaint is received;
  - Name and address of complainant;
  - Form of complaint, i.e. oral/written/via representative;
  - Description of nature of complaint;
  - Who has received the complaint;
  - Action taken including by whom, what action and when;
  - Copies of all correspondence.

- 10.2 FASS is an Organisational Member of COSCA (see below for details). The results of any formal complaints against the organisation in relation to its Counselling Service will be submitted to COSCA immediately or within 1 month of the conclusion of the FASS Complaints Procedure. FASS will use the **Outcomes Report to COSCA at Conclusion of Complaint Proceedings** proforma.

COSCA will publish upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations.

- 10.3 Copies of all correspondence and other records relating to Complaints must be retained for five years from the date of receipt.

## 11 Monitoring Complaints

- 11.1 The Service Manager should monitor complaints received and make quarterly reports to the Executive Committee summarising any complaints received.

## 12 Getting Further Support

- 12.1 If you are unhappy with the results of the Complaints Procedure you may wish to pursue the matter with one of the organisations listed below:

### **COSCA (Counselling & Psychotherapy in Scotland)**

16 Melville Terrace,  
Stirling  
FK8 2NE  
Telephone: 01786 475140  
Website: [cosca.org.uk](http://cosca.org.uk)  
Email: [info@cosca.org.uk](mailto:info@cosca.org.uk)

You may approach COSCA for assistance if you are unsatisfied with the outcome of a complaint you have made against our Counselling Service.

### **Information Commissioners Office – Scotland**

45 Melville Street,  
Edinburgh  
EH3 7HL  
Telephone: 0303 123 1115  
Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)  
Website: [ico.org.uk](http://ico.org.uk)

The ICO will be able to assist you if you are dissatisfied with the outcome of any complaint regarding how we have handled your information. They will also be able to advise you about the legal obligations all organisations have with regards to how they handle your information.

- 12.2 The following organisations may be able to offer you independent advice and support to make a complaint:

**Citizens Advice Rights Fife**

Website: [www.cabfife.org.uk/](http://www.cabfife.org.uk/)

There are a number of CARF offices in Fife. For details of all local services go to the website. You can also call 0345 1400 095 to access the General Advice line.

**Circles Network**

Circles Network is a registered charitable organisation in Scotland providing advocacy support in Fife, Glasgow and Edinburgh.

The Circles Network Fife Advocacy project is completely independent of all NHS and social work services and acts according to Advocacy Principles and Standards.

Contact Circles Network at [fife@circlesnetwork.org.uk](mailto:fife@circlesnetwork.org.uk) for more information or alternatively at:

**Circles Network**

New Volunteers House  
16 East Fergus Place  
Kirkcaldy  
Fife  
KY1 1XT

Telephone: 01592 645360

E-mail: [info.fife@circlesnetwork.org.uk](mailto:info.fife@circlesnetwork.org.uk)

Web: [www.circlesnetwork.org.uk](http://www.circlesnetwork.org.uk)

**About Fife Alcohol Support Service**

Fife Alcohol Support Service is also known as FASS.

FASS is a registered charity (number SCO 10422 regulated by the Office of the Scottish Charity Regulator (OSCR), FASS is also a Company Limited by Guarantee (Company Registration No 97502)

FASS offers several services including the Alcohol Support Service, ADAPT Substance Recovery, the Community Drug Service and Curnie Clubs.

Contact details:

Fife Alcohol Support Service  
17 Tolbooth Street  
Kirkcaldy  
KY1 1RW

Tel: 01592 206200

Email: [enquiries@fassaction.org.uk](mailto:enquiries@fassaction.org.uk)

Web: [www.fassaction.org.uk](http://www.fassaction.org.uk)