

31 PUBLIC COMPLAINTS PROCEDURE

Policy

31.1 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.

Nevertheless people who use the service 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.

31.2 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.

31.3 This Policy sets out the procedure to be followed in dealing with complaints from members of the public. It covers complaints about general services provided by the organisation, its employees and volunteers. It also refers to specific procedures to be followed in regard to complaints relating to the organisation's counselling services and counsellors employed by or volunteering for the organisation.

31.4 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.

31.5 The "Public Complaints Procedure" is available on request in hardcopy (paper) and electronic (pdf) formats. It is currently only available in the English Language.

31.6 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.

31.7 Complaints will be dealt with in confidence by the organisation - in line with the FASS Code of Confidentiality.

31.8 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.

31.9 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's Service Manager may decide to take no further action.

- 31.10 All parties involved in a complaint must declare any conflict of interest to the designated Complaint Manager e.g. Service Manager

Identifying Complaints

- 31.11 Sometimes it may be difficult to tell if a client or a third party wishes to register a formal complaint or is just making a comment about the service.

FASS employees and volunteers who are the initial contact with the person concerned should endeavor 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".

- 31.12 If the individual does not wish to make a formal complaint then the matter can be discussed informally with the Service Manager, who can respond with actions intended to improve the quality of service.

Supporting Members of the Public to make a Complaint

- 31.13 Whenever a person says that he/she wishes to make a formal complaint, then that person should be supported to do so.
- 31.14 The complainant should be given a choice of making the complaint orally, in writing or through a representative such as an advocate or translator, or a friend/family member. The Complainant may either be a client who has received a FASS service or a third party who has not directly received service from FASS.

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.

Procedure for Dealing with Formal Complaints

Stage 1 – Formal Complaint

- 31.15 Complaints should be passed to the organisation's Service Manager. Where the Service Manager is not immediately available the complainant should be told that the details of the complaint will be passed on to the Service Manager as soon as possible.
- 31.16 The Service Manager will communicate with the complainant, and deal with the complaint.

The Service Manager is:

Jim Bett
Fife Alcohol Support Service
17 Tolbooth Street
Kirkcaldy
KY1 1RW

Tel: 01592 206200
Email: jim.bett@fife-alcohol-support.org.uk

31.17 In the event of the post of Service Manager being vacant or the post-holder being unavailable, then the organisation's Executive Committee will designate someone to act as the Complaint Manager.

31.18 If the complaint is in relation to the Service Manager then the complaint should be directed to the Chair of the organisation's Executive Committee.

31.19 **Complaints about services (excluding Counselling Services)**

In dealing with a complaint the Service Manager should follow the timetable outlined below (see 31.21, 31.22).

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

- the Service Manager may appoint an independent person to investigate the complaint, interview any individuals concerned and produce a report.
- Interviews or representations will be conducted in confidence with parties involved in the complaint kept separate.
- The complainant and the party complained against may attend and make representation to the Investigation and may choose to be accompanied by and/or represented by a supportive person of their choice.
- the Service Manager will assess information gathered from the investigation against the detail of the complaint and will decide on what action is required.

The Service Manager will then communicate his/her conclusion to the complainant, preferably face to face (with representative present as appropriate) or by telephone. This communication will also be provided in writing.

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

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

- Service 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 cited in the complaint)

The panel will follow principles of good practice:

- Persons may be tasked with investigation and report to the panel.
- The panel may also conduct interviews or hear representations. These will be conducted in confidence with parties involved in the complaint kept separate
- The complainant and parties complained against may attend and make representation to the Investigation/Panel and may choose to be accompanied by and/or represented by a supportive person of their choice.
- The Panel will assess information gathered from the investigation against the detail of the complaint and will decide on what action is required.

- If the complaint is upheld 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 Service Manager will communicate the Panel's conclusion to the complainant, preferably face to face (with representative present as appropriate) or by telephone. Full communication will also be provided in writing.

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

- 31.21 Complaint acknowledged orally and/or in writing within **five working days** of receipt indicating proposed action, by whom and on what date, or the conclusion of the Service Manager.
- 31.22 Full response to complainant orally and/or 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 as a result of the investigation
 - If it has not been possible to complete the investigation within 20 days, the reasons why and the expected completion date
- 31.23 The Service 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.
- 31.24 Upon conclusion of **Stage 1** the complainant may accept the Service Manager's conclusion and the matter will be concluded. The Service Manager will be responsible for ensuring that any redress or recommendations are applied and fulfilled.

Stage 2 – Appeals

- 31.25 If the complainant is not satisfied, with the Service Manager's **Stage 1** response to the complaint then he/she may appeal to the Chair of the organisation's Executive Committee.
- 31.26 The complainant should communicate an intention to appeal within 10 working days following receipt of the Service Manager's response under Stage 1 of this procedure.
- 31.27 Complaint acknowledged in writing within **five working days** of receipt by the Chair of the Executive Committee.
- 31.28 **Appeals relating to Complaints about services (excluding Counselling Services)**

The Executive Chair will convene a special meeting of the Executive Committee or a sub-committee thereof to consider the Appeal.

The Service Manager will send copies of the complaint record plus all relevant correspondence and information to the Executive Chair.

The Executive Committee/Sub-Committee should dispose of the complaint on the basis of the written evidence or hear the parties as appropriate.

31.29 Full response to complainant orally and/or in writing within **twenty working days** of receipt and including the following:

- Details of the 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 investigation
- If it has not been possible to complete the investigation within 20 days, the reasons why and the expected completion date

The Executive Committee/Sub-Committee 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.

The Service Manager will be responsible for ensuring that any redress or recommendations/sanctions are applied and fulfilled.

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

If the complainant is not satisfied with the response to the complaint under Stage 1 of this procedure, then the complaint may be passed to an Independent Appeals Panel.

The Appeals Panel will consist of two independently appointed people, who have had no previous involvement in the complaint, one of whom will be designated to chair.

The members of the Appeal Panel will make a final decision after reading any necessary papers and speaking to relevant individuals involved with the complaint. Any interviews will be conducted under the same principles of good practice as those for **Stage 1**.

The Chair of the Appeals Panel will write to the complainant within 20 days of receiving the appeal to confirm the decision about the complaint which will be final. The letter will include:

- The reason for the decision
- The redress, if appropriate, which be offered e.g. an apology
- Any action which may be taken in light of the complaint
- If it has not been possible to complete the investigation within 20 days, the reasons why and the expected completion date

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.

The Service Manager will be responsible for ensuring that any redress or recommendations/ sanctions are applied and fulfilled.

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

31.31 Complaints relating to services (excluding Counselling Services)

Where a complainant indicates that he/she is not satisfied, then the Executive Chair 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 Service Manager and/or Executive Chair.

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

31.32 Complaints relating to Counselling Services

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

If the complainant is not satisfied with FASS' response following **Stage 1** and **Stage 2** of this procedure and the procedure is exhausted, then the complainant may contact COSCA.

Normally, the complaint must 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 under 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

A complaint to COSCA can be submitted within 3 years of the alleged breach of the COSCA Statement of Ethics and Code of Practice.

Directing Complaints

31.33 If a complaint is made outwith the proper channels, i.e. direct to the Executive Chair, 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.

Recording Complaints

31.24 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.

31.25 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 using the **Report to COSCA at Conclusion of Complaint Proceedings** proforma.

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

Monitoring Complaints

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

Getting Further Support

31.28 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

16 Melville Terrace,

Stirling

FK8 2NE

Telephone: 01786 475140

Website: 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: 0131 224 9001
Website: ico.org.uk

The ICO will be able to assist you if you are unsatisfied 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.

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

Citizens Advice Rights Fife

Website: www.carfweb.org

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 for more information or alternatively at:

Circles Network

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

Telephone: 01592 645360

E-mail: tricia.lamb@circlesnetwork.org.uk

Web: 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)

Contact details:

17 Tolbooth Street
Kirkcaldy
KY1 1RW

Tel: 01592 206 200

Email: enquiries@fife-alcohol-support.org.uk

Web: www.fassaction.org.uk