



OASIS WELLBEING CENTRE - COMPLAINTS PROCEDURE

Complaints can be made against any member of the Oasis Wellbeing Team, employed or volunteer, or the Organisation as a whole. It is our intention to deal swiftly and thoroughly with any complaint and, where relevant, develop our practice in response.

1. COUNSELLING

1.1. Stage 1 - Informal Complaint

In Oasis, we will always seek to resolve complaints internally in the first instance. All clients are advised at the commencement of the counselling contract that Oasis has an internal complaints procedure which should be used if a concern is raised. If the complaint is of an informal nature it should be raised, in writing (letter or email), with the Head of Wellbeing Centre (currently Gail Rose) who will seek to resolve the matter by meeting individually with each party.

Gail Rose

Head of Wellbeing Centre
Davidson's Mains Parish Church
1A Quality Street
Edinburgh
EH4 5BB
0131-312-6238
gail@dmopc.org.uk

1.1.1. **Support.** Oasis will ensure the complainant has the support he or she needs to fully understand the complaints procedure, eg through a member of Oasis assisting or pointing to local advocacy services if appropriate.

1.1.2. **Complaint Manager.** One of the Oasis Administration team will be nominated as the Complaint Manager and will be the complainant's point of contact through the procedure. The Complaint Manager monitors the progress of the complaint but not the investigation. This applies to informal, formal and appeals complaints. The Complaint Manager will keep the complainant and the person complained against up to date with the progress of the investigation. The Complaint Manager must alert Head of Wellbeing Centre to any potential or reported conflict of interests regarding the investigation of the complaint.

1.1.3. **Malicious Complaint.** If a complaint is considered to be of a malicious or vexatious nature, it will not be processed. An example of a malicious

complaint might be if the complaint has no substance regarding a breach of COSCA's Statement of Ethics and Code of Practice, and is more to do with the character or manner of the person being complained against. In such a case, the complainant will be advised of the decision in writing.

1.2. Stage 2 – Formal Complaint

If the complainant is not satisfied with the response received from the informal process, then a formal complaint should be submitted in writing to the Head of Wellbeing Centre as above.

The Complainant must:

- state whether it is against an individual or against the service
- identify the member of the service complained against
- advise the nature and details of the complaint
- give permission for confidential information, pertinent to the complaint, to be disclosed by all parties cited in the complaint to those involved in handling the complaint

Head of Wellbeing Centre will advise the individual who is subject of the complaint about the complaint filed.

Oasis has the right to seek legal or specialist advice.

A complaint can be discontinued if:

- the complainant fails or refuses to participate at any stage of the complaint procedure without good reason
- or the complainant formally withdraws the complaint

The preferred method of communication is by email providing a robust audit trail of communications. If this is not possible, in writing is substituted.

1.3. Timescales

The Head of Wellbeing Centre will acknowledge receipt of the complaint within three working days and advise the complainant that a full response from an investigating panel will be sent within one month. If a delay beyond this timescale is unavoidable a revised timescale will be advised. If the appeals process is activated, this should be complete within a month from the start of the appeals process. Every effort must be made to complete the whole process within 3 months. Any complaint against an individual counsellor or against Oasis must be submitted to the Head of Wellbeing Centre within 3 years of the alleged breach of COSCA's Statement of Ethics and Code of Practice. At the discretion of the complaints manager, with due regard to time restraints and confidentiality, the 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.

1.4. Remit of Investigating Panel

A complaints panel will be established to facilitate discussion between the complainant, the Head of Wellbeing Centre and a Member of the Oasis Management Board. An investigation will take place to establish:

- Whether there is a case to answer eg is there sufficient corroborating evidence to support the complaint for it to be progressed eg Is there a clear breach of the COSCA's Statement of Ethics and Code of Practice?
- Where appropriate, determine what went wrong
- Where appropriate, offer an apology to the complainant
- Where appropriate, apply sanctions to a counsellor eg recommend increased supervision for set time period (see possible sanctions below)
- Where appropriate, alter procedures or systems to prevent repeat
- All correspondence, notes and discussions must be kept **confidential** at all times

All parties involved in the complaint will be kept informed as to what is required of them at different stages of the complaint process.

The complaint manager will notify both parties:

- that they have the right to attend the complaints panel/ investigation meeting, separately and not together, to submit evidence and
- they can be accompanied, but not represented by a supportive person of their choice if they wish.

The investigator / panel Chairperson will hear separately the evidence from each party.

The panel will send a written response to the complainant within the month since the complaint was lodged, a copy of which will be sent to the person complained against. If this timescale cannot be met, both parties will be advised.

1.5. Stage 3 - Appeal

Any party may appeal against the findings of the investigating panel on the following grounds:

- That the complaints procedure had not been followed
- That there was new evidence which the investigator did not have access to in the investigation

An appeal cannot be accepted only on the grounds that the complainant disagrees with the investigator's report. The appeal should be submitted in writing **within 2 weeks** of receiving the outcome of the formal complaint procedure and addressed to:

Session Clark
Davidson's Mains Parish Church
1A Quality Street
Edinburgh
EH4 5BB
0131-312-6238

The Session Clerk is a corresponding member of the Kirk Session, but not directly involved with Oasis. He/she, along with another two members of the Kirk Session, will Chair the panel and lead the appeals investigation looking into the complaint afresh. To ensure that there is no conflict of interest, the Head of Wellbeing Centre will not be part of this panel or involved in any part of the appeal. All parties involved in the complaint can, where relevant, declare a conflict of interest to a person who will be designated at the time of appeal proceedings.

1.6. Stage 4 – External Formal Complaint

If the complainant is not satisfied with the outcome of the investigation and appeal, the Head of Wellbeing Centre will refer the complainant to the professional body COSCA whose complaints procedure is available on their website. The complainant will be advised that, once the Oasis appeals procedure has been exhausted, they can submit a complaint **within a month** to COSCA, under its Complaints Procedure.

COSCA (Counselling and Psychotherapy in Scotland)
16 Melville Terrace
Stirling FK8 2NE
Tel: 01786 475140

<http://www.cosca.org.uk>

info@cosca.org.uk

COSCA will, on receipt of the complaint, verify that the member's complaints procedure has been followed and the outcome was lawful, reasonable and properly explained.

1.7. Complaint against Head of Wellbeing Centre and Conflicts of Interest

Should the complaint be against the Head of Wellbeing Centre, then this should be submitted in the first instance, to the Session Clerk, address at 1.4 who will pass to a member of the Oasis Management Board and the complainant advised of the details of the person leading the investigation. Another member of the Kirk Session will be invited to join the complaints panel to ensure impartiality. The usual appeals process via Session Clerk will apply. Should there be a **conflict of interest** by the Head of Wellbeing Centre investigating any complaint, a member of the board will be appointed to take this investigation forward. At all times, the Head of Wellbeing Centre must ensure that an impartial investigator is appointed and that any conflicts of interest are avoided in any individual being involved in the process.

1.8. Legal Action

The Complaint Manager, in the case of the Complaints Procedure, or Session Clerk, in the case of the Appeals Procedure, can halt the complaint at any time should it emerge that legal action is under way, pending or intended.

1.9. Third Party Complaint

Due to the need for confidentiality a complaint on behalf of a third party cannot be accepted without **prior written consent from the client** and the onus is on the third party to evidence the direct and adverse effect **on them**. A complaint can be received from a representative or advocate for the client but again, written consent from the client is required.

1.10. Anonymous Complaint

An anonymous complaint can be submitted to Head of Wellbeing Centre for investigation. There will clearly be no feedback to the complainant but an informal investigation will take place, results logged and fed back to Oasis Management Board. The investigation may still inform systemic changes if complaint appears to have substance.

1.11. Complaints against former Staff

A complaint can be made against former counsellors or members of the Oasis team. The former colleague will be, where possible, offered the opportunity to represent their own interest. An investigation will be conducted for the learning of the organisation e.g. to identify any systematic failures. A report will be sent to COSCA who may choose to take further action regarding the individual complained against.

1.12. Records

Records will be kept detailing the nature of the complaint raised, the written response and any action taken/sanctions given and the reasons for such. These records will be kept confidentially in accordance with the DATA Protection Act 1988, which requires the release of certain data to individuals on their request. Copies of any meeting records will be given to the individual concerned, on request. In certain circumstances some information may be withheld, for example, to protect a witness.

1.13. Reporting

The Head of Wellbeing Centre is required to submit an outcome report to COSCA at the conclusion of the complaints process (within one month) and notify COSCA of any sanctions applied to individual members of COSCA working either in a paid or volunteer capacity for Oasis. COSCA will consider appropriate action following its receipt of this information.

COSCA may conduct an audit and or any other measures as necessary to ensure that Oasis complaints procedure and the way in which the complaint has been handled meets its standard. COSCA will publish upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations.

1.14. Confidentiality

All matters in the case of a complaint should be kept confidential wherever possible. Confidentiality may be broken if it comes to light that there is a clear risk of harm to the client, counsellor or other party. Where appropriate, this will be explained to the parties involved.

1.15. Possible Sanctions

Where a complaint is upheld against an individual counsellor, sanctions may be given by Head of Wellbeing Centre, for example:

- Apology to complainant
- Mandatory further training or individual counselling
- Suspension or termination of Oasis contract

- Increased supervision for set time period with report to head to Wellbeing Centre (regarding proficiency in area of complaint) at end of period

If the individual is also a member of COSCA, then COSCA may also impose sanctions eg suspension or termination of COSCA membership and privileges, probationary period etc. Head of Wellbeing Centre is responsible for communicating sanctions to the individual counsellor and the complainant, and for monitoring the time period if relevant. If the complaint is against the Head of Wellbeing Centre, a member of the Oasis Management Board will take this responsibility.

2. WELLBEING PRAYER and CLINICAL MASSAGE THERAPY

Any complaints made in reference to the experience of Wellbeing Prayer, Clinical Massage Therapy or any activity not involving counselling, will follow the same procedure as Stages 1 and 2 above and the same appeals process, stage 3, will apply. If the complainant is still not satisfied with the outcome of the investigation, the Session Clerk will refer complainants regarding **Wellbeing Prayer** to the Church of Scotland's complaints procedure available at:

http://www.churchofscotland.org.uk/contact_us/complaints/making_a_complaint

The complaint is normally referred to the Edinburgh Presbytery Clerk, contact details at: <https://www.edinburghpresbytery.org.uk/who-s-who>

Complainants regarding **Clinical Massage Therapy** will be referred to the regulatory body for therapists:

Complementary Therapists Association
Room 2T.07
17 Hanover Square
Mayfair
London
W1S 1BN

T: 0207 518 0323
E: info@ctha.com

For any further information, please contact:

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