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## **COSCA's Standards for Complaints Procedures**

In the interests of public protection, COSCA (Counselling and Psychotherapy in Scotland) sets standards (see below) for the complaints procedures of member organisations and individual members who have their own complaints procedure.

COSCA Member Organisations that are also validated training providers have the option to use the *Complaints Procedure for COSCA Validated Training Providers* template in conjunction with these Standards (see COSCA's website under *Complaints*).

COSCA requires that the complaints procedures of the above members meet these standards and that their procedures focus throughout on the interests and protection of the public.

The standards will be used by COSCA to review the complaints procedures of the above members at the point of membership application and as part of COSCA's annual audit of member organisations and individual members.

When you are required to submit *COSCA's Standards for Complaints Procedures* to COSCA as part of being selected for audit or COSCA's Recognition Scheme annual monitoring, please ensure that it is completed and, where possible, cross referenced.

COSCA recommends 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/ counselling skills worker/ course coordinator/ trainer or a manager before starting the formal complaints process.

## Summary of Complaint Form

COSCA (Counselling & Psychotherapy in Scotland) recommends that members who have their own complaints procedures based on the Standards below should also have a Summary of Complaint Form that complainants would be required to submit to them in the event of a formal complaint being made.

This Form would ask the complainant to:

- provide their contact details
- answer questions related to the complaint, and, in particular, how the COSCA Statement of Ethics and Code of Practice has been breached
- give their written consent for the member to ask relevant parties, including their counsellor(s), to disclose confidential information about their counselling sessions and other relevant meetings, with the proviso that what is subsequently disclosed by the COSCA member will be held confidential by all relevant parties
- to give permission to the member to circulate the Form, and any enclosed supporting evidence, to those handling the complaint
- give their consent for the complaint to be investigated, including the passing on of personal and confidential information provided by them and relevant others to those involved in the investigation
- give permission for the member to disclose confidential information for the purposes of seeking legal or other specialist advice
- agree to the terms and conditions in the member's complaints procedure
- The Form should clearly state that in the event that the complainant does not give the above consent/ agreement, then the complaint cannot proceed
- sign and date the Form

To meet COSCA's standards, you need to evidence where in your complaints procedure each of the Standards below are met.

<b>Standard Number (please tick)</b>	<b>Your Cross Referencing information</b>	<b>Standards for Complaints Procedures</b>
1.		<p><b>Who can complaints be made against?</b></p> <p>Complaints are covered against:</p> <ul style="list-style-type: none"> <li>a) members of staff,</li> <li>b) individuals (paid and volunteer)</li> <li>c) and groups carrying out work related to counselling and psychotherapy on behalf of the member.</li> </ul>
2.		<p><b>Can anyone make a complaint?</b></p> <p>Complaints will or will not be acceptable:</p> <ul style="list-style-type: none"> <li>a) by defined third parties (those not directly receiving services)</li> <li>b) by representatives</li> <li>c) and, if acceptable, in what circumstances e.g. the onus is on the third party to evidence the direct and adverse effect on them.</li> </ul>
3.		<p><b>Can complainants remain anonymous?</b></p> <ul style="list-style-type: none"> <li>a) There is a clear process for the submission of anonymous complaints.</li> <li>b) To what extent, if any, they can be dealt with.</li> <li>c) How possible limitations might be addressed.</li> </ul>
4.		<p><b>What if the person complained against has left?</b></p> <p>If the complaint is against a former worker of a COSCA Member Organisation:</p> <ul style="list-style-type: none"> <li>a) any investigation is conducted for the learning of the organisation e.g. to identify any systematic failures</li> <li>b) wherever possible the complained against is offered the opportunity to represent their own interest</li> <li>c) the outcome report to COSCA is still sent under Standard 26 below, but the normal sanction report will not be published.</li> </ul>

		d) if the former worker is still a member of COSCA, COSCA may investigate under: Whistleblowing - system for dealing with information known to COSCA about members.
5.		<b>What if the complaint is vexatious or malicious?</b> There is a statement on dealing with vexatious and malicious complaints.
6.		<b>How long has a complainant to complain?</b> a) Complaints will be accepted for investigation up to three years following the date of the alleged breach of COSCA's Statement of Ethics and Code of Practice. b) Complaints will be accepted outside of this limit if they are deemed to be in the public interest.
7.		<b>Where should a complaint go?</b> Full contact details are provided for complainants to use in the procedure (name or post, address, telephone number, email address).
8.		<b>How does a complainant make a complaint?</b> The complainant knows how to make a complaint either by letter, email, and/or proforma.
9.		<b>How can you help?</b> a) Appropriate alternative means are offered by you/ your organisation to complainants who are unable to submit complaints in writing. b) You/your organisation are able to take them through the process and answer any questions. c) You/ your organisation are able to signpost them to external support from organisations such as local advocacy services.
10.		<b>Who is responsible for the complaint?</b> A responsible individual is identified, by name or post, to become the complaint manager and to manage (not investigate) the complaints procedure e.g. service manager.

11.		<p><b>Is there a case to answer?</b></p> <p>There is a clear test used to decide if there is a case to answer e.g. there is sufficient corroborating evidence to support the complaint for it to be processed for investigation.</p>
12.		<p><b>How can you ensure fair consideration?</b></p> <p>a) Impartial investigator(s) independent of the complainant and person complained against, or an independent and impartial complaints panel, will be appointed to investigate.</p> <p>b) Consideration should be taken as to whether managers or boards of trustees are able to impartially investigate a complaint.</p> <ul style="list-style-type: none"> <li>• COSCA recommends that more than one person is chosen to investigate.</li> <li>• COSCA recommends that any panel contains a lay person.</li> </ul>
13.		<p><b>What are the limits of confidentiality?</b></p> <p>a) The investigator(s) and/ or complaints panel will act confidentially in their handling of the complaint.</p> <p>b) Limits to confidentiality are clearly defined.</p> <p>c) The member can seek legal or other specialist advice.</p> <p>d) 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 involved in handling the complaint.</p>
14.		<p><b>What will happen if legal proceedings might become involved?</b></p> <p>The complaint manager can halt the complaint at any stage should it emerge that legal action is under way, pending or intended, until any legal process is complete.</p>

15.		<p><b>Can the process be adjourned?</b></p> <p>a) At the discretion of the complaints manager, with due regard to time restraints and confidentiality, the process may be adjourned or put in recess.</p> <p>b) The process will be re-started at the point at which it was stopped, within a reasonable time.</p>
16.		<p><b>When can a complaint be discontinued?</b></p> <p>A complaint can be discontinued if:</p> <p>a) the complainant fails or refuses to participate at any stage of the complaint procedure without good reason</p> <p>b) or the complainant formally withdraws the complaint</p> <p>c) and both parties will be informed.</p>
17.		<p><b>How will you communicate with both parties?</b></p> <p>a) Complaints will be acknowledged within a designated time limit.</p> <p>b) The complainant will be informed how and when their complaint will be dealt with.</p> <p>c) The person complained against will be informed.</p> <p>d) There is a defined way that you will communicate e.g. by writing, by telephone, by email.</p> <p>e) You/ your organisation will communicate with the complainant and complained against about the progress of the investigation.</p>
18.		<p><b>What if there's a conflict of interest?</b></p> <p>There is a specific post holder to whom any conflict of interest, if it arises, may be declared by any party involved and that they will be responsible for assessing and dealing with that conflict e.g the complaint manager.</p>
19.		<p><b>Will both parties meet?</b></p> <p>After any informal stage/mediation, the complainant and the complained against, and/ or their representative, will not come into contact at any time in the course of the investigation.</p>

20.		<p><b>Will both parties attend the hearing?</b></p> <p>The complaint manager will notify both parties:</p> <ul style="list-style-type: none"> <li>a) that they have the right to attend the complaints panel/ investigation meeting, separately and not together, to submit evidence and</li> <li>b) they can be accompanied, but not represented by a supportive person of their choice if they wish.</li> </ul>
21.		<p><b>How long will the investigation take?</b></p> <p>The period of time expected for each step in the investigation is clearly shown for:</p> <ul style="list-style-type: none"> <li>a) the investigation</li> <li>b) the appeal</li> <li>c) and when all parties can expect the whole process to be complete.</li> </ul>
22.		<p><b>What will happen if the complaint is upheld?</b></p> <ul style="list-style-type: none"> <li>a) There will be examples of possible sanctions that can be applied.</li> <li>b) How, and by whom, any sanctions imposed will be monitored.</li> <li>c) How their commencement and completion will be communicated to both the complainant and complained against.</li> <li>d) How, and by whom, any sanctions imposed will be removed when they have been fulfilled.</li> </ul>
23.		<p><b>What if the complainant is dissatisfied with the process?</b></p> <ul style="list-style-type: none"> <li>a) There is an Appeals Procedure included within the Complaints Procedure.</li> <li>b) It is clear how long the complainant and/or complained against has to appeal after notification of the outcome of the initial investigation.</li> <li>c) It is clear under what circumstances an appeal will be heard. This can be only on the grounds that: the member has failed to follow their own procedure, there is new evidence available, the decision was not warranted or the sanction was disproportionate.</li> </ul>

		d) That no person has previously been involved in investigation of the complaint i.e. the complaint manager can manage the complaint until completion, but no person can hear a complaint if they have already been involved.
24.		<p><b>Who will be notified of the result?</b></p> <p>a) Both parties will be informed of the result.  b) The reasons for the decision are included.  c) There is a defined way that you will communicate e.g. by writing, by telephone, by email.  d) The limits to notification of third parties, representatives and anonymous complainants are stated.  e) Outcome report to COSCA (see 26 below).</p>
25.		<p><b>How can a complainant request a procedural review from COSCA?</b></p> <p>Those who receive counselling related services:</p> <p>a) are informed how to find COSCA's Complaints Procedure  b) are advised that, once the member's appeals procedure has been exhausted, they can submit a complaint to COSCA, under its Complaints Procedure.  c) must submit a complaint within one month of the above exhaustion.  d) are given COSCA's full contact details (address, telephone number, email address)  e) are informed that 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.</p>
26.		<p><b>How will COSCA be informed of the outcome?</b></p> <p>a) The <b>Outcome Report to COSCA at the Conclusion of Complaints Proceedings</b> (found at <a href="http://www.cosca.org.uk">www.cosca.org.uk</a> under Complaints) will be submitted to COSCA.  b) The Outcome Report will be submitted immediately or within one month of the conclusion of your/ your organisation's complaints process.</p>



		c) COSCA will publish upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations.
27.		<p><b>What if you/your organisation has a website?</b></p> <p>If applicable, COSCA recommends that the full complaints procedure is available where the organisation or individual member has a website, but as a <b>minimum</b> the website summary <b>must</b> describe how to obtain the full Complaints Procedure and reference Standards 21, 25 and 26 above.</p>

Brian Magee

Chief Executive

COSCA (Counselling & Psychotherapy in Scotland)