



Complaints Policy and Procedure

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SECTION	TITLE	PAGE
1	PURPOSE AND CONTEXT	4
2	SCOPE	4
3	STATEMENT	4
4	DEFINITIONS	4
5	PRINCIPLES	5
	5.1 PAMIS actions upon complaints	5
	5.2 What constitutes a complaint?	5
	5.3 Complaints and Safeguarding	5
	5.4 Complaints subjects	5
	5.5 Anonymous complaints	5
	5.6 Complaints against former employees or contractors	6
	5.7 Support provided to make a complaint	6
	5.8 Vexatious complaints	6
	5.9 Complaint timescales	6
	5.10 Complaint contact details	6
6	COMPLAINTS HANDLING PROCEDURE	7
	6.1 Informal resolution	7
	6.2 Formal complaints procedure	8
	6.2.1 Stage 1 – Investigation	8
	6.2.2 Stage 2 – Appeal	8
7	OUTCOME REPORT	9
8	REQUEST FOR PROCEDURAL REVIEW BY COSCA	9
9	GENERAL	10
	9.1 Review	10
	9.2 Policy contact details	10
10	APPENDICES	11

1. PURPOSE AND CONTEXT

PAMIS ('the organisation,' 'us,' 'we') aims to deliver its services to the highest standards. As an organisation, we promote learning through reflection. We welcome all comments as a way for us to ensure we continue to develop our organisation and learn from both negative and positive feedback.

We recognise that there may be occasions where people might wish to raise a concern or make a complaint about our services. We know that this can be difficult and stressful, and we want to make it as easy as possible for people to tell us about the problem.

We have developed this complaints procedure to:

- Provide individuals and groups with a clear, fair, and consistent process to complain about any aspect of our work and understand how a complaint will be managed.
- Resolve complaints consistently, fairly, sensitively and within clear and reasonable time frames.
- Monitor our complaints and use the insights to improve our services' quality and effectiveness continuously.

2. SCOPE

We welcome comments, concerns, and complaints about any aspects of our services from our beneficiaries or their representatives, the public, regulatory bodies, stakeholders, funding bodies, contractors and anyone who works with us.

- In the case of third-party complaints, it is the third party's responsibility to evidence the direct and adverse effect of the complaint upon them specifically.
- All employees, volunteers and the Board of Trustees must read, understand, and comply with this procedure.

3. STATEMENT

PAMIS will take all concerns and complaints seriously. We will investigate matters promptly and sensitively and seek to resolve issues as quickly as possible.

We will assist in any way we can to make the complaints process as easy as possible for the reporter.

4. DEFINITIONS

- **Concern** – A concern is defined as 'an expression of worry or doubts over an issue considered to be important for which reassurances are sought'.
- **Complaint** – A complaint is defined as 'an expression of dissatisfaction by an individual or a group, about actions taken or lack of action - whether justified or not.'
- **Reporter** – for the purpose of this policy, a person who raises a concern or complaint will be termed 'the reporter.'
- **Vexatious complaint**
A vexatious complaint is a complaint that is pursued, regardless of its merits, solely to harass, annoy or subdue; a report that is unreasonable, without foundation, frivolous, repetitive, or unwarranted.

- **COSCA** – Counselling and Psychotherapy in Scotland is Scotland’s professional standards authority for counselling and psychotherapy. Our counselling service operates to COSCA’s statement of ethics and code of practice.
- **Conflict of interest and disclosure** – A conflict of interest occurs when an individual’s personal interests, such as family, friendships, and financial or social factors, could compromise their judgement, decisions, or actions in the workplace. It is essential that any person involved in reporting or resolving a complaint discloses any potential, perceived or actual conflicts of interest to avoid ethical or legal discrepancies.

5. PRINCIPLES

5.1 PAMIS actions on complaints

We will:

- Listen carefully to complaints and concerns and treat them confidentially where possible.
- Record, store and manage all complaints accurately and in accordance with the Data Protection Act 2018 and General Data Protection Regulations (GDPR).
- Investigate all complaints thoroughly, objectively and within the stated time frame or maintain communication where there are delays.
- Notify the reporter of the investigation findings and any right of appeal.
- Inform the reporter of any action that will be implemented to resolve the complaint and ensure that there is no re-occurrence.
- Report the number of complaints received, the outcomes, and any actions taken annually.

5.2 What constitutes a complaint?

A reporter may make a complaint about PAMIS if they believe that the organisation has:

- Failed to provide a service or an acceptable standard of service or made a mistake in how the service was provided.
- Failed to act in the interests of public protection.
- In terms of our counselling service breached COSCA’s Statement of Ethics and Code of Practice.

Where a reporter believes that a third-party not contracted or working on behalf of PAMIS has failed to provide an acceptable standard of service, they should make their complaint directly to the third-party. PAMIS will be unable to investigate complaints about third parties.

5.3 Complaints and safeguarding

Where a complaint is deemed a matter of safeguarding, PAMIS will revert to its safeguarding policy and procedure to resolve matters. This will include where the organisation deems a complaint to be a police matter.

5.4 Complaints subjects?

A reporter may make a complaint about:

- An employee or employees of PAMIS.
- Volunteers and contractors who are working on behalf of PAMIS.
- Third-party experts or specialists conducting work related to counselling and psychotherapy on behalf of the organisation.

5.5 Anonymous complaints

A reporter may wish to file a complaint anonymously for various reasons. PAMIS will log the complaint; however, we do not accept or adjudicate anonymous complaints for the following reasons:

- To reduce the likelihood of vexatious complaints being raised.
- Because it would be difficult for the organisation to assess the accuracy of the anonymous complaint and the credibility of the facts and evidence on which the complaint is based.

- To adequately respond to a complaint, the organisation may need to provide information about the reporter's motives for raising the complaint. It would not be possible for the organisation to do this if the complaint were made anonymously.
- The reporter is relied upon to provide evidence. It would not be appropriate to accept evidence from an anonymous source whose credibility cannot be determined or challenged by the organisation or individual against whom the complaint has been raised.
- We must provide individuals who have had a complaint raised against them with an understanding of who has raised the complaint so that they can relate their version of events.

5.6 Complaints against former employees or volunteers

Where a complaint is raised against a former employee or volunteer of PAMIS, we will take the following actions:

- We will investigate to identify any systematic failures in the organisation or learnings from the complaint.
- We will offer the individual who has had a complaint raised against them the opportunity to represent their own interest.
- In relation to our counselling services an outcome report will be sent under standard twenty-six to COSCA; however, a sanction report will not be published.
- If the individual who has had a complaint raised against them is still a member of COSCA, COSCA may investigate the complaint under the system for dealing with information about members.

5.7 Support to make a complaint

Ideally, complaints should be made in writing; however, we can help reporters who are unable to submit a written complaint. To support the reporter, we will:

- Take the reporter through the complaints procedure.
- We will provide a copy of this procedure and answer any questions about the complaints process.
- We will signpost reporters to external support from organisations such as local advocacy or language support services.
- PAMIS will always acknowledge complaints in writing.

5.8 Vexatious complaints

There may be times when a complaint is reported based on a genuine belief that something is wrong at a particular time, which is subsequently found to be false or inaccurate. If this is the case, the reporter will be informed of the discrepancy between their report and the facts at hand. Provided the organisation is satisfied that the reporter acted in good faith and genuinely believed that such a complaint should be reported, no further action will be taken. If it becomes apparent that a reporter has raised a complaint maliciously or frivolously or acted for personal gain, this will be notified to the individual and regulatory bodies as appropriate, and the organisation will seek an explanation.

5.9 Complaint reporting timescales?

Complaints made about an alleged breach of COSCA's Statement of Ethics and Code of Practice in our counselling service must be made within a maximum of twelve months following the date of the alleged breach.

All other complaints must be made within a maximum of three months of the date of the alleged issue.

The sooner a reporter raises a complaint, the easier it will be to investigate effectively.

5.10 Complaints contact details

5.10.1 Responsible Person

The Chief Executive Officer is responsible for managing the complaints procedure and allocating resources to investigate any issues raised.

5.10.2 Conflicts of Interest

All participants in the complaint process should declare any possible conflicts of interest to the Chief Executive Officer as soon as possible.

5.10.3 Contact details

The contact details for raising complaints are as follows:

- **Informal complaints** – Reporters should initially start their complaint with the Director in their local area or the relevant PAMIS officer responsible for resolving the issue.
- **Formal complaints** or if the reporter wishes to make a complaint concerning any action of the Director or PAMIS officer - the reporter should contact the Chief Executive Officer at:

PAMIS Head Office

7 Luna Place, Technology Park, Dundee DD2 1TP

Telephone: 01382 755 396

Email: jenny.miller@pamis.org.uk

5.10.4 Confidential Information

All complaints correspondence should be marked as confidential.

5.10.5 Complaint follow up

If the Chief Executive Officer cannot resolve the complaint, they should pass the issue on to the Chair of the Board of Trustees at the address above, and the reporter will be contacted. The Chief Executive Officer should also notify COSCA if there is reason to believe that a breach of COSCA's statement of ethics or code of practice has occurred in our counselling service.

5.10.6 Complaints about the Chief Executive Officer

If a reporter wishes to make a complaint concerning any action of the Chief Executive Officer, they should write to the Chair of the Board of Trustees at the above address.

6. COMPLAINTS PROCEDURE

6.1 Informal resolution

In the interests of a speedy and mutually agreeable resolution, reporters are encouraged to speak informally to their local Director or PAMIS officer without unreasonable delay, detailing the grounds of their complaint and their desired outcome. The Informal Resolution route must be exhausted before starting the formal complaints process.

- An informal complaint can be made verbally or in writing via letter, email, or complaint form.
- Where a complaint concerns a manager, and the reporter feels unable to approach the individual, the complaint may be raised informally with the next level of manager.
- Where the complaint concerns the actions of an employee, that employee will be made aware of the complaint as soon as it is practicable. They will also be notified as to how the case will be progressed.
- We will make every effort to respond to and resolve an informal complaint without unreasonable delay.
- Reporters who are dissatisfied with the action taken to resolve their informal complaint will generally be able to raise the formal procedure.
- The formal procedure will only be initiated where the reporter has attempted to resolve the complaint on an informal level; it cannot be initiated as an alternative to informal action.

6.2 Formal complaints procedure

PAMIS will only investigate if there is sufficient corroborating evidence. We aim to settle complaints quickly and satisfactorily through the local Director, PAMIS officer or Chief Executive Officer as appropriate.

There are two stages to the formal complaints procedure:

- Stage 1 - Investigation
- Stage 2 – Appeal

6.2.1 STAGE 1 – INVESTIGATION

- Once any informal investigation has been attempted, and if the complaint remains unresolved, a formal complaint should be submitted to the appropriate complaint manager (see above).
- The complaint manager will manage the process, see that it runs smoothly and submit the complaint to the appropriate officers for investigation.
- Where it is reasonably practicable, PAMIS will endeavour to provide a panel of two people to investigate the complaint. Where this is not practicable, or if the person chosen to investigate is unable to be impartial or independent, the complaint manager will conduct the investigation or refer the complaint to an independent third-party confirmed by the Board of Trustees.
- All those involved will act confidentially in their handling of the complaint. They may also seek legal or specialist advice.
- Anyone making a complaint must give their permission for confidential information pertinent to the complaint to be disclosed by all parties cited in the complaint to all those involved in managing the complaint (including those providing any legal or specialist advice.).
- The complaint manager can halt the process at any time should it emerge that legal action is underway, pending or intended until any legal process is complete. They may adjourn or put the process in recess to be restarted at the point at which it was stopped within a reasonable time. They can also discontinue the complaint if the reporter fails or refuses to participate at any stage without good reason.
- The reporter may formally withdraw the complaint at any time. In all cases, all parties will be informed.
- The Complaint Manager will acknowledge complaints within seven days of receiving the complaint by letter, email or verbally and will communicate with both the reporter and the person or people who have had a complaint reported against them in this way.
- The Complaint Manager will notify all parties of their right to attend a meeting (separately and not together), with the people hearing the complaint and that a support person may accompany them if they choose.
- The reporter and the person who has had a complaint raised against them will not come into contact at any time during the investigation. This includes being asked to wait in the same area to give evidence to the investigators but not outside of the investigation of the complaint.
- Ideally, the investigation will take place within fourteen days of receiving the complaint. It is expected to take a further fourteen days for an outcome to be reached unless the complaint is of a more complex nature when it may take an additional number of days.
- The Complaint Manager may extend the process further in exceptional circumstances, and all parties will be informed.
- All parties will be informed of the outcome within five days of a decision being reached by letter or email, including the reasons for the decision.

6.2.2 STAGE 2 – APPEAL

If the reporter is dissatisfied with the outcome of the complaint, they may appeal to the Complaint Manager within five days of learning the decision. Where it is practicable an appeal panel of two people who are independent of the complaint and with no previous contact with its investigation will be instigated. Where this is not practicable, an impartial third-party may be engaged with the approval of the Board of Trustees.

- An appeal hearing will be held within ten working days of the appeal being reported.
- The appeal panel will review the initial investigation and outcome and conduct a further follow up with the reporter if appropriate.
- The appeal panel may extend the process further in exceptional circumstances, and all parties will be informed.
- The appeal panel will notify all parties of their right to attend the appeal meeting separately and not together, with the panel hearing the complaint and advising that a support person may accompany them if they choose.
- The reporter and the person complained against will not come into contact at any time during the appeal. This includes being asked to wait in the same area to give evidence to the appeal panel but not outside the complaint appeal.
- The appeal process will not be expected to exceed fifteen working days. All parties will be informed of the outcome within five days by letter or email, including the reasons for the decision.
- The appeal decision is final, and following this process, there will be no further recourse for the reporter.

7. OUTCOME REPORT

7.1 COSCA reporting - In accordance with COSCA's standards, in relation to our counselling service, PAMIS will submit immediate reports at the conclusion of the above complaints proceedings, whether upheld or not upheld and notify COSCA of any sanctions applied. COSCA reserves the right to publish decisions or recommendations of the complaint against COSCA individual members and organisational members after the possibility of an appeal being upheld expires.

7.2 If a complaint is upheld - Where evidence is found to support a complaint, the organisation will seek to resolve the matter with the reporter. Internal training, a disciplinary sanction and a policy or procedure review will be actioned as appropriate. If the person complained against has left the organisation, an investigation will be conducted for the learning of the organisation, and if possible, the complained against person will be offered the opportunity to represent their own interests.

8. REQUEST FOR PROCEDURAL REVIEW BY COSCA

Once the above procedure has been exhausted, in relation to our counselling service, the reporter has the right to request a procedural review by COSCA within one month of notification of the result of the investigator's decision.

COSCA contact details are as follows:

Brian Magee
Chief Executive
COSCA (Counselling & Psychotherapy in Scotland)
16 Melville Terrace, Stirling, FK8 2NE
Tel: 01786 475140
Email: brian@cosca.org.uk

COSCA will verify that the complaints procedure has been followed and the outcome was lawful, reasonable, and adequately explained.

COSCA's complaints procedure can be found at <http://www.cosca.org.uk/guidance-policies/complaints>

9. GENERAL

It is the view of PAMIS that this Complaints Policy and Procedure meets the guidelines set out within the Data Protection Act 2018, the General Data Protection Regulations (GDPR), and COSCA's Statement of Ethics and Code of Practice

9.1 Review

The Complaints Policy and Procedure will be reviewed in line with the recognised arrangements, at the date outlined on the front cover of this document or earlier if there is a legislative requirement to do so.

9.2 Policy contact details

For further information on any part of the policy or procedures contained in this document, please contact the Chief Executive Officer at info@pamis.org.uk

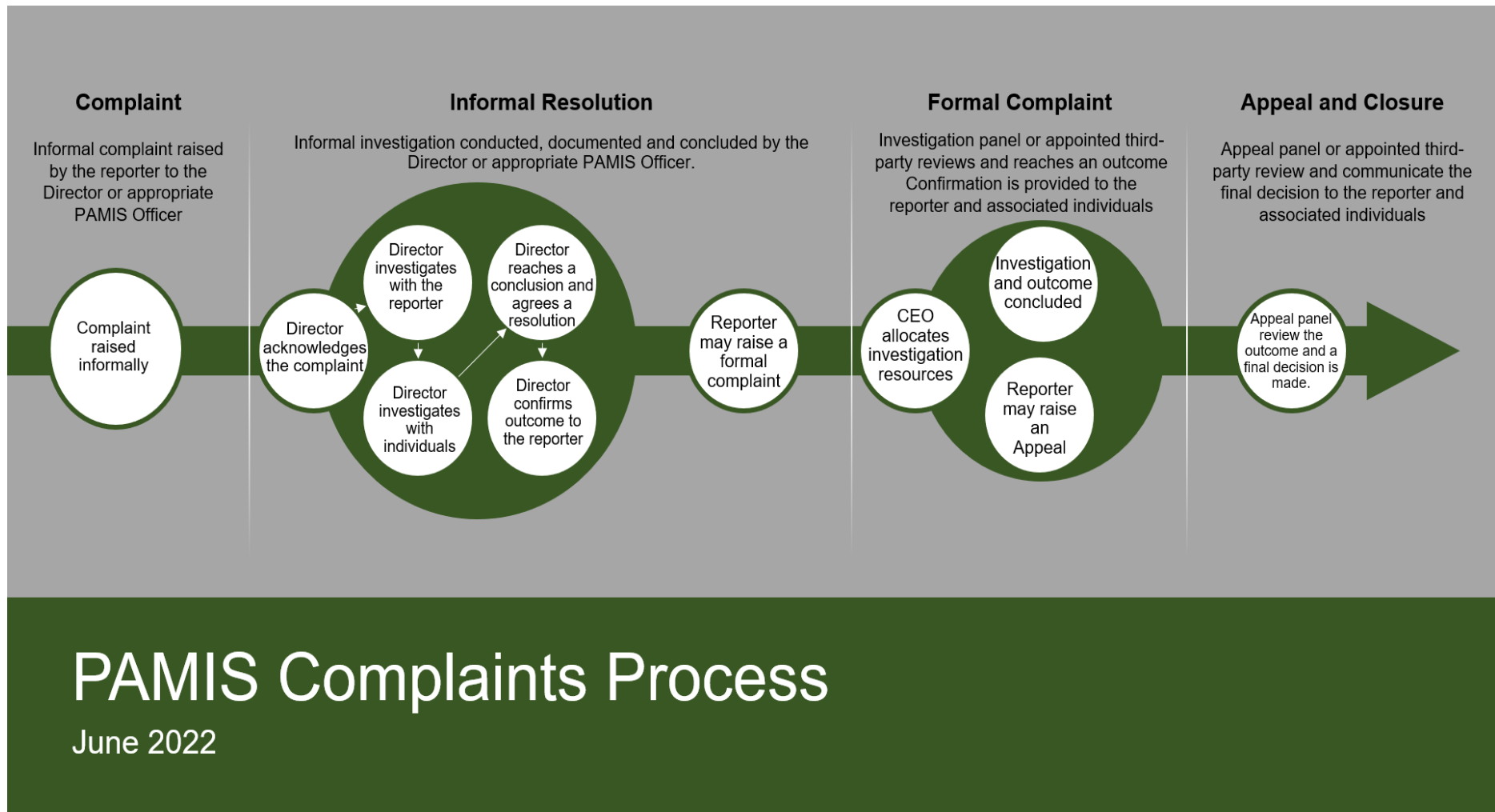


COMPLAINT FORM

Area location:	
Director:	

Name of complaint reporter:	
Address of complaint reporter:	
Home telephone:	
Mobile telephone:	
Email address:	
Date of complaint:	
Describe in detail and accurately the nature of your complaint:	
Please provide the name of the person you first reported the complaint to:	
Describe what action can be taken to deal effectively with your complaint:	
Describe the measures that can be taken to avoid a repeat of your complaint:	
Signature of the complaint reporter:	
Date:	
Complaint recorded by:	

Date:



PAMIS Complaints Process

June 2022