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**TCF Complaints Procedure - Colleague**

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| **Review Date & Version #** | 25th August 2014 |
| **Owner**  | Robert Cuming |
| **Reviewed by** | Judy Mallinson |
| **Support/Co-review** | Sue Clements |
| **Date due for review**  | 31st December 2015 or earlier as required by change |

**Purpose**

It is important to ensure that there are correct procedures in place to allow everyone connected with the Counselling Foundation an appropriate channel to be heard when they feel the need to complain. The channel to be used will vary depending upon whether the nature of the complaint is employment related, carries commercial implications or is to do with an alleged breach of the Ethical Framework.

The process outlined below is available to hear a complaint made by a Colleague. A Colleague can be any of the following persons: an employee - except in respect of matters reserved below, a self employed colleague, a counsellor, a volunteer or a trainee. The complaint can relate to another Colleague, or about the Foundation’s processes and procedures.

Typical examples might include a sense of not being treated in a fair manner, or dissatisfaction with certain procedures or governance of the Foundation. However a complaint cannot encompass any of the restricted areas shown below.

**Restrictions**

This procedure shall not used by an employee (that is someone who has a contract of employment) in respect of any action of the Foundation that falls within the purview of legislation relating to a contract of employment. This includes but is not limited to a Grievance, for alleged infringements of the Equal Opportunities Policy, the Whistle Blowing Policy, the Equal Opportunities Policy, for an Appeal against an action taken by management in connection with the Disciplinary Procedure. Please see the specific policies that deal with these issues, which will need to be followed.

This procedure shall not be used to appeal against academic results or against a request to leave a course. In such cases the Counselling Foundation Training Centre Appeals process will need to be adhered to.

The procedure shall not be used in the case of a commercial dispute. This is where a Colleague alleges a financial loss has been caused by the action or inaction, alleged misrepresentation or breach of contract by the Foundation or analogous event. Such situations shall be dealt by the complainant addressing a letter direct to the CEO.

**Principles**

The procedure has two parts, an informal and a formal procedure. Complaints are frequently caused by either misunderstanding, or poor communications. It is the responsibility of all Colleagues to try to resolve such matters informally before they escalate. This is the purpose of the informal stage of the policy. Clear evidence of a bona fide effort to resolve the complaint informally and locally will be expected. However, there may be occasions where an informal approach does not work, or may not be appropriate. In such cases, the Colleague may lodge a formal complaint.

A formal complaint shall be in writing and document the basis of the complaint. The complainant is required to keep matters discussed within the Complaints Procedure, and all written records, as confidential. It shall not cast unsubstantiated aspersions against other Colleagues or contain language that could be construed as defamatory. Any complaint that infringes these stipulations will be dismissed forthwith.

### Informal Procedure

If you have a complaint about another individual you should discuss it informally with the individual causing the problem (if possible) or with your line manager during the normal course of work. If your complaint relates to an interpretation of the terms of your Service Agreement, or Volunteer Understanding you should discuss your concerns with your line manager in the first instance. We hope that the majority of concerns will be resolved in this way.

If your complaint relates to Foundation Policy or Procedure it would be normal to raise the matter with your line manager and/or at a centre meeting and/or with your supervisor, if appropriate.

If the complaint concerns your line manager, where possible try to resolve it with them informally. If this is inappropriate, or does not work, then refer the situation to their immediate line manager informally (or formally, in writing).

Only if you are unable to resolve the matter informally to your satisfaction, are you advised to progress to the formal stage. Clear evidence of having explored the informal route will be expected in most circumstances.

### Mediation

Sometimes it may not be possible to resolve concerns between those directly involved and a different perspective may be helpful. In these circumstances, either at the formal or informal stages of this procedure mediation should be considered. The mediator need not come from outside the organisation but could be an internal mediator, so long as they are not involved in the issue in question and both sides can agree on the mediator. If you feel that mediation is the appropriate route, then you should inform your line manager and provide any suggestions that you may have. Where mediation is considered appropriate, the formal procedure may be temporarily halted.

**Formal Procedure**

Complaint which does not involve an alleged breach of the BACP Ethical Framework

Stage 1

If you feel that the matter has not been resolved through informal discussions, you should raise the complaint in writing with your line manager, or, if the complaint is about your line manager, raise it to their line manager setting out your concerns and the steps you have taken to resolve the matters so far.

The appropriate manager, who is obliged to alert the CEO to the lodging of the formal complaint, will then arrange a formal meeting with you, usually within seven working days of receiving the complaint, in an endeavour to resolve the matter. You may be accompanied at this meeting by a work colleague. If another Colleague is the subject of the complaint, this individual will be given a copy of the complaint and will be invited to submit a written response. A separate meeting may be held by the manager with the respondent, who also will have the right to be accompanied by a work colleague. With the agreement of all parties a joint meeting may be held. A minute taker shall attend all meetings and all parties shall agree the content of the minutes.

The manager will consider the submissions and the outcome of the meeting will be confirmed to you in detail, in writing.

Stage 2: Appeal

If you feel that the outcome of the Stage 1 meeting has left the matter unresolved, you may appeal to the CEO or if the CEO is your line manager or otherwise involved with your complaint, then to the Chair of Trustees. The appeal shall be in writing and state why you are dissatisfied with the decision of the earlier procedure. A formal meeting with you will be arranged by this person (who will co-opt one other senior manager or Trustee not connected with the complaint), usually within fifteen working days, in an endeavour to resolve the matter. You may be accompanied at this meeting by a work colleague.

The decision made by this meeting, which will be confirmed in detail in writing, will be final. The Board of Trustees will be informed.

Complaint which does involve an alleged breach of the BACP Ethical Framework

An alleged breach of the BACP Ethical Principles is potentially a serious matter.

It may be brought by one Colleague against another Colleague or by a manager against a Colleague or indeed by a Colleague against the Foundation in respect of its procedures.

Formal Procedure - Stage 1

If you feel that your concern has not been resolved through informal discussions, you should raise the complaint in writing. A formal complaint as to a breach of the BACP Ethical Framework shall be addressed to the CEO in writing, setting out in detail the grounds for the complaint. The complaint may be by a Colleague or may be from a manager.

The CEO shall inform the Chair of Trustees that such a complaint has been received.

The CEO shall initially be bound to consider whether any conflicts of interest exist and in the light of this aspect whether the matter should be referred to an independent third party or whether it can be resolved by an internal hearing. In coming to this determination the CEO shall consult with the Foundation Clinical Manager and/or other senior managers, as appropriate.

If the complaint is to be heard internally the CEO shall then appoint a panel to hear the complaint. The panel shall comprise the Foundation Clinical Manager (Chair) plus two others, one of whom shall be a senior manager and one a supervisor of at least 5 years standing with the Foundation. Panel members shall not have any conflict of interest. The complaint will be heard by the panel. The complainant shall be entitled to attend and bring a work colleague. The respondent will be required to attend and shall be entitled to bring a work colleague. The CEO is entitled to have observer status.

The panel shall hear the complaint and issue a written, reasoned decision. This decision may also contain sanctions against an individual deemed to be at fault. Such sanctions may range from recommending learning, reprimand through – in quite exceptional cases - to asking them to cease working for the Foundation. In the case of an employee the matter may also fall to be considered under Disciplinary Procedures.

Formal Procedure - Stage 2: Appeal

If the complainant is unhappy with the decision s/he may appeal to the Chair of Trustees. The appeal shall be in writing and state the detailed objections to the determination handed down by the panel. The Chair shall review the stated grounds for the appeal and determine whether there is a case for re-opening the matter. In doing so the Chair shall consult with the Counselling sub-committee. If an appeal is to be heard a panel shall be set up comprising the members from the Counselling Sub-committee and an independent external person of clinical standing. The Panel shall determine its own procedure and shall hear the matter. The Panel’s decision shall be final.