



COSCA (Counselling & Psychotherapy in Scotland)

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COSCA MEMBERS COMPLAINTS PROCEDURE

OUTCOME REPORT TO COSCA AT THE CONCLUSION OF COMPLAINTS PROCEEDINGS

- **Within one month of the conclusion of your Complaints Process, this form requires to be submitted direct to the Chief Executive of COSCA (Counselling & Psychotherapy in Scotland) following the conclusion of any complaints. This applies to upheld and not upheld complaints.**
- **Please refer to the Guidance Notes attached to this Report form: Appendix 1**
- **Please also refer to www.cosca.org.uk – Complaints – COSCA Complaints Procedure Section 1.3**

All members of COSCA who have their own complaints procedure are required to submit to COSCA outcome reports at the conclusion of their complaints proceedings related to counselling and psychotherapy, and notify COSCA of any sanctions applied. Outcome reports are required for complaints that are upheld and those that are not upheld.

This will reduce the potential conflict of interest in either an organisational member or an individual member with her/his own complaints procedure being unwilling to criticise and recommend a sanction against themselves – www.cosca.org.uk – Complaints - Para 1.27 of Complaints Procedure.

Please complete one of the following Sections:

- Section 1: COSCA Member Organisation: Complaint Upheld
- Section 2: COSCA Member Organisation: Complaint Not Upheld
- Section 3: COSCA Individual Member who has his/her own Complaints Procedure: Complaint Upheld or Not Upheld

- Section 4: Mandatory - this Section requires to be completed in all cases.

SECTION 1: COSCA MEMBER ORGANISATION: COMPLAINT UPHELD

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| Name of member organisation | |
| Address: | |
| Name of contact person: | |
| Designation of contact person: | |
| Telephone No: | |
| Email of Contact Person: | |
| Name of any individual working in the member organisation who is complained against: | |
| Address of individual: | |
| Telephone No. of individual: | |
| Email of individual: | |
| Membership of COSCA of person complained against: | Yes <input type="checkbox"/> Membership No.: <input type="text"/> No <input type="checkbox"/> |

SECTION 2: COSCA MEMBER ORGANISATION: COMPLAINT NOT UPHELD

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| Name of member organisation | |
| Address: | |
| Name of contact person: | |
| Designation of contact person: | |
| Telephone No: | |
| Email of contact person: | |
| Reference number of individual complained against who is working within the member organisation. (Identification to be anonymised, except if specifically requested later by COSCA.) | |

SECTION 3: COSCA INDIVIDUAL MEMBER WITH OWN COMPLAINTS PROCEDURE: COMPLAINT UPHELD OR NOT UPHELD

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| Name of COSCA individual member | |
| Address: | |
| Telephone No: | |
| Email: | |
| COSCA membership number and category of membership | |

SECTION 4: MANDATORY – THIS SECTION REQUIRES TO BE COMPLETED IN ALL CASES

| | |
|---|--|
| Date of the alleged breach | |
| Date that the complaint was submitted to member organisation or individual member with own complaints procedure | |
| Date of the meeting of the member's complaints panel | |
| The allegation(s) made by the complainant in line with the COSCA Statement of Ethics and Code of Practice. | |
| Reference number of complainant. (Identification to be anonymised, except if specifically requested later by COSCA.) | |
| Nature of the relationship between complainant and the member e.g. client, student etc. | |
| The outcome of deliberations of the complaints panel meeting including whether the complaint was upheld or not upheld | |

| | |
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| Any sanctions applied and their timescale for fulfilment | |
| Evidence that the decision(s) of the complaints panel meeting were made to protect service users and the public rather than the interests of the organisation or individual member | |
| Details of other professional and statutory bodies notified about the outcome of the complaint | |
| Details of the reasons for a delay where an investigation took longer than the time allocated in the member's complaints procedure | |
| The date(s) that the report of the outcome of the investigation was sent to the complainant and other relevant parties | |
| A summary of any matters of importance to the member complained against in the complaint investigated or in the way that the complaint was handled | |

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|---|--|
| <p>A summary of any matters where action has been or is to be taken to improve services as a consequence of the complaint</p> | |
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| <p>You are required to enclose a copy of the member's complaints procedure</p> | <p><i>Please tick:</i></p> <p>Enclosed: <input data-bbox="874 589 987 645" type="checkbox"/></p> |
|--|--|

You are required to submit this completed form to the Chief Executive, COSCA (Counselling & Psychotherapy in Scotland) at the above address immediately following the conclusion of any complaints proceedings relating to complaints that were upheld and those that were not upheld.

Brian Mage
 Chief Executive
 COSCA (Counselling & Psychotherapy in Scotland)

Appendix 1: Guidance Note

Submission of Outcome Report to COSCA at the Conclusion of Complaints Proceedings

1. Introduction

When members of COSCA who have their own complaints procedures deal with complaints, COSCA aims to ensure that they focus on protecting service users and the public, and avoid perceived and actual conflicts of interest.

To ensure this happens, COSCA has developed the procedures below for the submission of outcome reports to COSCA by the above members at the conclusion of their complaints proceedings.

2. Complaints Procedures

All organisational members of COSCA require to have, and implement when required, their own complaints procedure.

Individual members can opt to use the COSCA Complaints Procedure for the investigation of complaints against them. However, COSCA also allows individual members to have their own complaints procedure. If individual members choose to have their own complaints procedure, then complaints should first be submitted under the individual member's procedure.

Only when the complaints procedures of members with their own complaints procedures have been exhausted, and following the conclusion of the appeal proceedings, and the complainant remains dissatisfied can complaints be submitted to COSCA for verification under its Complaints Procedure – see paragraph 1.22 in COSCA Complaints Procedure.

To ensure that complaints are dealt with consistently and effectively, when applying for membership as an organisation and as an individual with his/her own complaints procedure all applicants are required to submit their complaints procedures for review by COSCA. To be awarded membership, all complaints procedures submitted need to meet COSCA's standards for complaints procedures. COSCA's Standards for Complaints Procedures are on www.cosca.org.uk - Complaints.

All current member organisations and individuals who have their own complaints procedures are required to ensure that their complaints procedures are compliant with the above Standards and that they are in a position to deal with any complaints submitted to them.

These arrangements allow the above members to handle complaints against them. COSCA fully endorses this system of complaint handling by its members because in its view local and timely resolution can be an appropriate and effective way of resolving complaints against members.

COSCA trusts the above members to fully investigate the complaints submitted to them and in doing so expects that complaints are handled consistently and effectively across all member organisations and individual members who have their own complaints procedures. It is in the public interest that this should happen.

It should be noted here that in the event that organisational members and individual members with their own complaints procedure are selected under COSCA's annual audit of members, that they submit their complaints procedures for review and assessment by COSCA following the criteria outlined in the COSCA Standards for Complaints Procedures. For information on the audit of members – www.cosca.org.uk – Members Info.

3. Submission of Outcome Reports to COSCA at the Conclusion of Complaints Proceedings

COSCA aims to ensure that complaints are handled as laid down in the above members' complaints procedures (which need to meet COSCA's standards for complaints) and that any sanctions are applied consistently, effectively and in the interests of public protection. It also aims to verify that the decisions made are in accordance with the member's own complaints procedure and that any sanctions imposed are appropriate, fair, transparent, consistent and explained clearly.

The above members are therefore required to submit to COSCA immediate reports at the conclusion of their complaints proceedings related to counselling and psychotherapy, and notify COSCA of any sanctions applied. COSCA expects to receive outcome reports within one month of the conclusion of the complaints proceedings.

The above members are required to submit reports on the outcome of all complaints proceedings including those in which the complaint was upheld and also those in which the complaint was not upheld. This will reduce the potential conflict of interest in either an organisational member or an individual member being willing to criticise and recommend a sanction against themselves. See paragraph 1.27 of COSCA's Complaints Procedure that covers this point.

3.1 Name and Address of Organisation/Person Complained Against

Upheld Complaints

When the complaint has been upheld by the member, the outcome report to COSCA must include the name and address of the organisation/person complained against.

This information is required in order that COSCA can independently check whether the organisation and/or individual is a member and/or a registrant of COSCA. If a sanction is applied by the member to a registrant, COSCA will make the appropriate annotations on the COSCA Register of Counsellors and Psychotherapists and the appropriate internal databases.

It should be noted that not all individual members are on the COSCA Register of Counsellors and Psychotherapists. Individual members not on the above Register include Student, Counselling Skills and Associate members and their names are included on COSCA's internal database that is not accessible by the public in the same way that the COSCA Register is. Hence, COSCA itself needs to be informed about the name of the person complained about in order that it can verify membership.

Complaints Not Upheld

Outcome reports for complaints not upheld are required to be submitted to COSCA. If a complaint is not upheld by a member's internal complaints proceedings, it means that any individual cited in the complaint was not found to be in breach of the COSCA Statement of Ethics and Code of Practice. In this event, no action is normally required to be taken by COSCA against the individual member cited in the complaint.

COSCA has different requirements for member organisations and individual members regarding the submission of the name and address of individuals cited in complaints that were not upheld and these are given below.

➤ Member Organisations

Member organisations, when submitting outcome reports to COSCA of complaints that were not upheld, are required to provide the name and address of their organisation. They are not required to provide the name and address of any individual cited in the complaint. Instead they can anonymise this information.

Following receipt of the above outcome report, and in exceptional circumstances, in the public interest COSCA reserves the right to request the name and contact details of the person complained against as part of its consideration of the submitted report.

The Chief Executive in consultation with an independent person or persons will determine whether COSCA needs to take any action on the above outcome reports. Only in exceptional circumstances will notification of complaints not upheld be submitted to the COSCA Ethics Committee for its consideration.

Outcome reports from member organisations requiring no further action will be safely destroyed within a period of six months of receipt and no record of the outcome report will be kept on file.

➤ Individual Members with their own complaints procedures

Individual members, when submitting outcome reports to COSCA of complaints against them that were not upheld, are required to provide their name and address in order that COSCA can identify from whom the outcome report was submitted.

The Chief Executive in consultation with an independent person or persons will determine whether COSCA needs to take any action on the outcome reports submitted by individual members. Only in exceptional circumstances will notification of complaints not upheld be submitted to the COSCA Ethics Committee for its consideration.

Outcome reports from individual members requiring no further action will be safely recorded and destroyed within a period of six months of receipt, and no record of the outcome report will be kept on file following this period.

Name and Address of complainant

Whether or not the complaint was upheld, the outcome report to COSCA may also anonymise the name and address of the complainant. This is because COSCA does not publish the names of complainants and therefore does not normally require their names and addresses.

It is expected that the above members will have their own reliable referencing system for complaints and that they will have their own complaints handling system in place. This reference system can be used to anonymise the name of the complainant.

Following receipt of the outcome report, and in exceptional circumstances, in the public interest COSCA reserves the right to request the name and contact details of the complainant as part of its consideration of the submitted report.

3.2 Further Information Required in Outcome Report

In addition to the information required above in 3.1, outcome reports submitted to COSCA are required to include all the following information whether or not the complaint was upheld:

- date of the alleged breach
- date that the complaint was submitted to the member
- date of the meeting of the member's complaints panel
- the allegation(s) made by the complainant
- reference number of complainant
- nature of the relationship between complainant and the member complained against
- membership of COSCA of individual(s) cited in an upheld complaint
- the outcome of deliberations of the complaint panel meeting, including whether the complaint was upheld or not upheld
- any sanctions applied and the timescale for their fulfilment

- evidence that the decision(s) of the complaint investigation were made to protect service users and the public rather than the interests of the organisation or individual member
- details of other professional and statutory bodies notified about the outcome of the complaint
- details of the reasons for a delay where an investigation took longer than the time allocated in the member's complaints procedure
- the date(s) that the report of the outcome of the investigation was sent to the complainant and other relevant parties
- a summary of any matters of importance to the member submitting the outcome report in the complaint investigated or in the way that the complaint was handled
- a summary of any matters where action has been or is to be taken to improve services as a consequence of the complaint
- copy of the complaints procedure of the member complained against. This will be checked by COSCA for compliance with its standards for complaints procedures and whether it was adhered to by the member in the investigation of the complaint cited in the outcome report.

Please see www.cosca.org.uk - Complaint- **Outcome Report to COSCA at the Conclusion of Complaints Proceedings.**

4. Checking and Consideration of Submitted Outcome Reports to COSCA

On receipt of outcome reports of upheld complaints, the Chief Executive will check whether any sanctions were applied to an individual member of COSCA. If so, the Chief Executive will:

- inform the **individual** member to whom the sanction is applied about the notification **of the sanction to COSCA**
- enter the sanction on COSCA's internal membership database and, if relevant, the COSCA Register under the **individual** member's name, stating which member applied the sanction
- inform the **individual** member complained against that he/she must comply with the sanction and provide evidence to the member that applied the sanction and to COSCA of having done so
- inform the member who applied the sanction to notify COSCA regarding compliance by the member complained against
- remove the sanction from COSCA's internal membership database and the COSCA Register if compliance is evidenced to COSCA

Notification of sanction(s) will be submitted to the COSCA Ethics Committee for consideration.

On receipt of notifications, the COSCA Ethics Committee checks the sanction(s) applied by organisational members and individual members who have used their own complaints procedures.

The COSCA Ethics Committee then determines the appropriateness of the sanction(s) applied and the time limits set for it to be fulfilled. In reaching its determination the COSCA Ethics Committee will review whether the public interest was protected.

If the COSCA Ethics Committee determines that the sanction imposed and/or recommended does not protect the public interest, then it has the powers to require the organisational member or the individual member to re-consider the sanction imposed and/or recommended.

Depending on the nature, seriousness, impact and implication of the complaint that led to the sanction, the COSCA Ethics Committee will also consider whether to:

- suspend membership of COSCA and make entries of this on the Register and/or internal membership database
- remove the member from COSCA membership and publish removal on the COSCA Register if a registrant, and in other places as laid down in COSCA's Complaints Procedure

With reference to COSCA's sanctions database that is used to monitor the time limits and fulfilment of sanctions applied by organisational members and individuals who have their own complaints procedure, the COSCA Ethics Committee checks whether sanctions have been fulfilled and arranges for the member's details to be updated on all relevant systems as required. This ensures that only organisations and individuals who are entitled to be members are appropriately listed.

Brian Magee
Chief Executive
COSCA (Counselling & Psychotherapy in Scotland)