

# **Churches' Ministerial Counselling Service**

## **Complaints Procedures**

### **Introduction**

The Churches Ministerial Counselling Service (hereafter called "the Service") is managed by a Steering Group ("the Group"), comprised of representatives of the various Denominations which have agreed to sponsor the Service.

Acting on behalf of these denominations, the Group has the responsibility of appointing a Service Co-ordinator (SC), determining the mode of operation of the Service and ensuring that it functions effectively.

The Group is responsible for appointing Area Co-ordinators ("ACs")

Through Consultants appointed by the Group, it will also examine and approve the applications of those who wish to become Counsellors with the Service.

The standards of counselling practice and experience expected of Counsellors who are approved by the Service will not normally be less than those of the British Association for Counselling and Psychotherapy ("BACP") or equivalent organisations.

The Group requires that all approved Counsellors be covered by their own personal indemnity insurance for the counselling work that they undertake.

An up-dated list of Approved Counsellors is sent regularly to all ACs.

The ACs will respond to contacts and requests from potential clients by arranging an introduction to a Counsellor on that list. In exceptional circumstances, on the advice of a Consultant, an AC may suggest contact with a suitably qualified person who is not on the list.

As the Service and its Steering Group act only in the capacity of a referral agency, no responsibility or liability can be accepted for the acts or omissions of Counsellors so approved.

However, since it wishes to maintain the highest standards of service and counselling for those who avail themselves of it, the following procedures have been agreed by the Steering Group to enable problems and grievances to be dealt with effectively.

Either by the AC or Counsellor, prospective clients will be given a leaflet about the Service. This will refer to the existence of the appropriate channel for any complaint arising out of a referral made by the Service.

Members of Steering Group, Consultants, ACs and Counsellors will be expected to familiarise themselves with these procedures.

## **The Procedures**

### ***General Considerations***

At all times the principles of confidentiality, natural justice, the integrity of the client and the reputation of the Counsellor and the quality of the Service will be of primary concern.

The intention is that all complaints will be dealt with as speedily as possible and resolved by informal means whenever appropriate.

All comments and complaints, however small, will be taken seriously by the Service. However, third party complaints will not be accepted.

No complaint will be accepted if a period of more than one year has elapsed since the final counselling session.

Complaints may originate from or be made against any party to the Service.

Two areas may give rise to complaints:

- Complaints about the administration and delivery of the Service
- Complaints against the counsellor

### ***1 Administrative Complaints***

Complaints about the functioning of the ACs or the Service generally should be directed in writing to the SC. The SC (or deputed colleague) will acknowledge receipt of the complaint within 7 days.

#### *Stage 1*

The SC will endeavour to resolve such matters by telephone or in writing with the complainant. The complaint may require no more than a clarification of the agreed procedures of the Service.

#### *Stage 2*

If the complainant wishes to proceed further, the matter shall be determined by the Group or a sub-committee appointed for the purpose.

In the event of a complaint about some alleged act or omission by the SC or a Consultant, the matter will be passed to the Chairperson of the Steering Group for possible consideration by the Group.

If the Chairperson is the subject of a complaint, the Group will discuss the complaint with an alternative chairperson.

The decision of the Group or sub-committee will be final and will be conveyed in writing to the complainant and other parties involved at the earliest opportunity.

## 2 Complaints Against A Counsellor

In whatever way complaints are first expressed, they should then be addressed in writing to the SC.

However, if the complainant declines or is unable to do so, this should not preclude the complaint being taken note of or investigated by the Group, as far as is possible or appropriate, following the procedures laid down for written complaints.

The SC (or deputed colleague) will acknowledge receipt of the complaint within 7 days and inform the complainant that it will be referred to a Consultant member of the Group who may wish then to be in contact with him/her.

The SC will forward a copy of the complaint to a Consultant, together with the necessary information for contacting the relevant AC and Counsellor.

A copy of the complaint will be sent to the Counsellor, who will be informed that the matter has been referred to a Consultant (address supplied). The Counsellor will be asked to forward to the Consultant a statement in response to the complaint within 7 days, if at all possible.

The Counsellor will also be sent a copy of the Complaints Procedure and advised to consult his/her Supervisor and professional indemnity organisation.

On receipt of a statement from the Counsellor, the Consultant may then request further information from the client, the relevant AC or Counsellor either by telephone, interview or letter. If this is done by telephone or interview, then a dated, contemporaneous record of the conversation should be kept.

Having gathered the necessary information, the Consultant will decide whether the complaint can be dealt with on an informal or formal basis.

**(NB: a complaint can only be pursued informally if, in the opinion of the Consultant, the allegation **does not** appear to involve a prima facie breach of the BACP Ethical Framework for Good Practice in Counselling and Psychotherapy (“the Framework”) or other Code of Ethics to which the Counsellor is subject.)**

### *The Informal Stage*

If a resolution is reached informally which is acceptable to the complainant and Counsellor, this should be confirmed to both parties in writing, with a copy to the SC, and the AC if he/she has been involved. A full record must be kept of the process involved.

### *The Formal Stage*

If a resolution cannot be agreed informally, then the matter will progress to the formal stage and the parties will be so informed.

It may be apparent from the outset that the nature of the complaint requires that it is dealt with formally. This decision will be made by the Consultant, normally after discussion with another Consultant.

Once formal handling of the case has been decided upon in the light of the circumstances of the case, the Consultant shall notify directly the Counsellor's Supervisor of the complaint and send him/her a copy of the complaints procedure.

Depending on the nature of the complaint, and at the discretion of the Consultant, the Counsellor may be advised or required to refrain from further counselling for the Service until the outcome is known. If the Counsellor resists this advice, then in exceptional circumstances, the AC and Counsellor may have to be informed, after consultation with the Group Chairperson, that approval to be a counsellor with the service is temporarily suspended.

The SC and the Counsellor's Supervisor will be notified of this situation.

If formal consideration of the complaint is indicated, a decision between two procedures then has to be made.

#### Procedure 1

If, in the opinion of the Consultant, the allegation appears to involve a breach of the BACP Framework or other Code of Ethics to which the Counsellor is subject, then the Consultant will write to the complainant advising that he/she should so direct the complaint and giving the address of the organisation concerned. The letter should in no way suggest that this procedure implies any value judgement about the seriousness or justification of the complaint.

The Consultant will then notify the Counsellor and SC that the complaint has been redirected and send copies of relevant correspondence to them.

If the complaint has initially involved the AC, he/she should also be notified for information only.

The professional or accrediting organisation may dismiss or uphold the complaint. If the complaint is upheld, the Counsellor will be subject to such sanctions as the organisation decides, according to its own rules. With or without an appeal, the decision of the professional or accrediting body is final.

The Counsellor will be required to inform the SC of the outcome of this process. Further referrals may be withheld until this is done.

#### Procedure 2

If, in the opinion of the Consultant, the complaint does not involve a breach of the Framework or a Code of Ethics, or if the counsellor is **not** subject to any organisational Code of Practice, then the Consultant will refer the complaint to the Group's Complaints Committee ("the Committee").

The Committee will consist of the Consultant dealing with the complaint, another Consultant, another member of the Group to act as Chairperson and the SC for secretarial purposes.

All members of the Committee will receive full documentation of the complaint prior to the meeting.

If thought appropriate, the Committee can request an adjournment for further information to be obtained or for the parties to be invited to meet with the Committee at a neutral location.

The decision of the Committee will be conveyed in writing to the parties to the complaint as soon as possible by the SC.

The parties to the complaint will be informed that they have the right of appeal to the Group against such a decision, providing that this is lodged with the SC within 28 working days of the date of the letter giving notice of the Committee's findings.

### *The Appeal Stage*

If notice of an Appeal is received, an Appeal Panel ("the Panel") will be convened by the SC in consultation with the Group Chairperson.

The Appeal hearing will normally take place within 28 days of the submission of the grounds of the Appeal.

The Panel will consist of the Chairperson, SC and those members of the Group not hitherto involved with the complaint. The parties to the Appeal will be the appellant and the Consultant originally handling the complaint on behalf of the Committee.

The parties will be asked to confirm that they will accept the Panel's decision as final.

Detailed guidelines for the preparation and conduct of the Appeal will be sent to those involved, together with the notice of the hearing and relevant documentation.

The outcome of the Panel's deliberations will be sent to the parties in writing as soon as possible after the hearing.

The outcome will also be notified to such other persons as the Panel thinks fit.

### *Outcome of the Above Procedures*

Whichever of these formal procedures determines the final outcome of the complaint, consideration will have to be given as to whether the approval of the Counsellor to continue to receive referrals from the Service will continue or be withdrawn.

This process will follow one of two routes:

#### Route 1

If the professional or accrediting body applies permanent or temporary sanctions upon the Counsellor's continuation in practice under its Ethical Framework/Code of Ethics, the Service has no option but to withdraw approval forthwith. The SC will notify the Counsellor and AC accordingly at the earliest opportunity.

#### Route 2

Whether it is the Complaints Committee or Appeal Panel of the Group which finally determines the complaint, part of their remit will be to decide whether the Counsellor's approval to receive referrals from the Service shall continue or be withdrawn.

By either route, as soon as it is known, the SC will inform the Counsellor and ACs of the outcome in relation to the Service.

If any further recommendations are made, these should be communicated to the Counsellor and Supervisor at the same time.

If approval is withdrawn, special circumstances may make it appropriate to inform the Counsellor that a further application may be made to be on the approved list of the Service after recommended re-training or supervision has been confirmed. This action will be at the discretion of the Chairperson of the Group and the Consultant involved with the original complaint. From this point the normal application procedures will apply.

If a re-application is received after withdrawal of approval by route 1, written evidence must be supplied to indicate that the Counsellor is once again in good standing with the professional or accrediting body.

The SC will prepare a confidential summary of all complaints and their outcome, whether dealt with informally or formally, for the attention of the Group at its next meeting, provided the 28 days required for the lodging of any appeal have expired.

### **Ground for an appeal against the decision of the Complaints Committee**

The grounds upon which an appeal (see page 5) may be lodged are as follows:

1. That there has been a significant breach of the procedures laid down in the Service's Complaints Procedure.
2. That there has been intimidation of any party involved in any aspect of the process.
3. That there is demonstrable bias by any member of the Complaints Committee.
4. That a relationship between the Consultant dealing with the complaint or a member of the Committee on the one hand and any party to the complaint on the other hand was not properly disclosed.

The Chairperson of the Steering Group (or if he/she has previously been involved in the case, one of the Service's consultants not previously involved) shall decide whether the appellant has shown that grounds exist for an appeal to be heard.

**Approved by the meeting of the Churches' Ministerial Counselling Service Steering Group on 14 May 1998. This edition (incorporating Grounds of Appeal, originally approved on 5 October 1999) and minor changes of terminology was approved by the Steering Group on 14 June 2004. Amended in April 2013 to reflect changed role titles within the Service.**

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