

Traveller Counselling Service
CHY 18635

1.5 Client Complaints Policy

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Table of Contents

1	Purpose	4
2	Scope	4
	2.1 Counsellors	4
	2.2 Staff and Volunteers	4
	2.3 Clients	4
3	Objective(s)	5
	3.1 Stages of the Process.	5
	3.1.1. Informal Stage	5
	3.1.2 Formal Stage	5
	3.2 General Principals	5
	3.3 Stages in the Informal Process	6
	3.3.1 Informal Process Stage 1	6
	3.3.2 Informal Process Stage 2	6
	3.4 Stages in the Formal Process	7
	3.4.1 Formal Process Stage 1 (a)	7
	3.4.2 Formal Process Stage 1 (b)	8
	3.4.3 Formal Process Stage 2 (a)	9
	3.4.4 Formal Process Stage 2 (b)	9
	3.4.5 Formal Process Stage 3	10
	3.5 Malicious Accusations	10
	3.6 Statutory Rights.	10
	3.7 Mediation	10

4.	Outcome(s)	.	.	.	.	.	.	.	11
4.1	Outcomes for Counsellors, Staff and Volunteers..	.	.	.	.	.	.	.	11
4.2	Outcomes for Clients.	.	.	.	.	.	.	.	11
4.3	Outcomes for the Organisation	.	.	.	.	.	.	.	11
5	Policy Development/Governance Group	.	.	.	.	.	.	.	11
5.1	Membership of the Group	.	.	.	.	.	.	.	11
5.2	Conflict of Interest/Conflict of Loyalty	.	.	.	.	.	.	.	11
6	Supporting Evidence	.	.	.	.	.	.	.	11
6.1	List Relevant Legislation	.	.	.	.	.	.	.	11
6.2	List of Policy Documents being Replaced	.	.	.	.	.	.	.	12
6.3	List of related Policy Documents	.	.	.	.	.	.	.	12
6.4	List of Relevant Governing Bodies	.	.	.	.	.	.	.	12
7	Glossary of Terms	.	.	.	.	.	.	.	12
8	Approval and Review	.	.	.	.	.	.	.	13
9	Appendix	.	.	.	.	.	.	.	14
9.1	Client Complaints Form	.	.	.	.	.	.	.	15
9.2	Complaints Register	.	.	.	.	.	.	.	16

1 Purpose

The purpose of this policy is to regulate and manage the working relationship between those who work in the TCS and clients who make use of our services. This document sets out policies and procedures which will provide those who use the Traveller Counselling Service with a process through which they may address grievances or complaints they have with the service.

The Traveller Counselling Service is committed to the fair and equal treatment of all those who use our service as outlined in Background Document. However, it is accepted issues or misunderstandings may arise that need to be dealt with through a formal process.

A complaint is deemed to potentially exist when a client feels that her/his access to the service is being denied or restricted, either deliberately or by omission, because of the behaviour, decisions or actions of workers, volunteers or Management.

The process set out below is a formal method to deal with client complaints and to ensure that such complaints are settled as fairly, consistently and as quickly as possible, having due regard to the rights of all the parties concerned.

A written report will be prepared following each and every stage of the process. The report will be agreed by each party. An agreed timeframe will be set out within which the report will be signed. A signed copy of the agreed report will be made available to each party.

2 Scope

The scope of this policy document is to make clear to counsellors (contracted and volunteer) and clients the process through which the TCS addresses counselling client complaints. This policy applies only to clients attending counselling with counsellors contracted by the TCS.

Complaints regarding general work practice will be addressed in a separate code of conduct policy document (1.4 TCS Code of Conduct).

- 2.1 **Counsellors** : This policy is intended for contracted and volunteer counsellors seeing clients on behalf of the Traveller Counselling Service
- 2.2 **Staff and Volunteers** : This policy is also intended for all staff and volunteers, including the Board of Management, that are dealing with clients, outside of the counselling process, through outreach work, training, making appointments etc.
- 2.3 **Clients** : The clients that are referred to in this policy are Travellers that are aged 18+ that are attending our service, in any of our counselling locations, over the telephone or online for the purpose of getting counselling or for the purpose of getting support or training or through the general use of our service.

3 Objective(s)

The objective(s) of this policy are to ensure that all counsellors contracted or volunteering on behalf of the TCS and all staff including Board of Management are fully aware of procedures for dealing with client complaints.

The nominated person within the organisation to whom all client complaints are to be directed, is the Manager. All complaints, regardless of whether they are resolved between the counsellor and the client, must be reported to the Manager who will complete a complaints form and will log on the complaints register, which must be forwarded to the Board of Management for review at the next management meeting.

3.1 Stages of the Process

The stages are divided in to Informal and Formal. While each of these terms is used, both informal and formal complaints will be deemed to be part of the formal complaints process. .

3.1.1 Informal Stage

The Informal Stages describe a process that refers to people directly involved in the complaint. The Informal Stages are to be used when it is felt that the matter may be resolved between the client and the counsellor/staff member/volunteer or member of Board of Management, with or without the intervention of a third party.

Clients may choose not to use the Informal Stages because of the inequality of power between the clients and those working and volunteering with or on behalf of the service. The TCS will accept this choice and will not deduce from this an unwillingness to resolve the matter.

3.1.2 Formal Stage

Formal Stages describe a process that calls on others not directly involved in the complaints process to investigate, make findings and propose outcomes.

3.2 General Principles

Clients will be informed at their initial assessment and it is noted on the Information of Counselling document and on the Client Contract, that we have a Clients Complaints Policy.

It will be accepted that a complaint is brought by a client in good faith. A client should be informed and be aware of the process of his/her complaint and the outcome of the process.

A client shall have the right to appeal a decision at any stage throughout the process. It is the responsibility of any representative of the TCS, including Management, who hears the complaint to try to resolve the issue efficiently and effectively, to the satisfaction of both parties.

Clients may at all stages of this process be advised or accompanied by a support person of their choice, (which may not be another staff member or worker in the TCS) or may elect to have this person present the complaint on their behalf.

A written record of each hearing will be kept, which will include details of the client's case, the response of the TCS and the outcome of the hearing. The client will be asked to agree and sign the record of the hearing. Copies of the record will be provided to everyone who attended the hearing.

Following each hearing, the client will be advised by Management of the next stage of the process. The date and time of the complaint hearing will be agreed between the client or client representative and Management (and where relevant, the person(s) who are the subject of the complaint). Time limits may be changed at any stage by mutual consent of the client and Management.

Each party to the complaint will be given reasonable time to prepare their case and response as appropriate. Depending on who the complaint may be with, it is acknowledged that the procedure may not always commence at Informal Stages or at the Formal Stages 1, 2, or 3.

Every effort will be made to resolve the complaint at each stage. The proceedings will remain confidential to the client, the clients representative, counsellor, staff member, volunteer, member of the Board of Management and management.

Should a client's complaint be about the Manager of the Centre or a member of the Board of Management, the Board of Management will set up a Complaints' Sub-Committee to investigate and adjudicate on the matter.

Client complaints will be noted on the complaints register which will be presented at each Board of Management meeting.

3.3 Stages in the Informal Process

3.3.1 Informal Stage 1

The client will first raise the matter on an individual level with the person alleged to have caused the complaint. The client may need support to do this and the TCS should seek to provide this support. If it is not possible to resolve the issue on an individual level, the matter will move to informal stage 2.

3.3.2 Informal Stage 2

The client will take the matter to the Manager or in the case of the complaint being against the Manager, to the Complaint's Sub-Committee *via* Chair of the Board of Management. The Manager of the TCS or Board of Management member will offer direction on how to proceed with the complaint at the informal stage.

This may involve the intervention of an agreed third party or mediator to assist in resolving the complaint. If it is not possible to resolve the matter using the informal procedure, the matter will move to the Formal Procedure.

3.4 Stages in the Formal Process

If the client's complaint is with a staff member or worker, the client will avail of Formal Stage 1 (a) as a first step. However, if the client's complaint is against the Manager or Board of Management, the client will avail of Formal Stage 1 (b).

3.4.1 Formal Stage 1 (a):

The client will take the complaint to the Manager of the service. The Manager will investigate the grievance and will do her/his best to resolve the matter within ten working days.

The following procedures may be implemented at this stage:

- (i) The Manager will hold interviews with those concerned or involved in order to ascertain the facts and a report of this will be compiled;
- (ii) The client may be accompanied by a support person;
- (iii) The Manager may also have a support person/colleague present to act as a recording secretary;
- (iv) The problem will be discussed and the issues dealt with promptly, through the Manager making a recommendation;
- (v) If either the client or the person at whom the grievance/complaint is addressed are dissatisfied with the recommendation of the Manager, they will be advised by Management of their right to appeal by moving to Stage 2 (a);

The client and where applicable, the person at whom the grievance/complaint is addressed, will be informed of their right to appeal, the time allowed and to whom the appeal should be addressed. The appeal should be submitted in writing.

Management will keep a written record of meeting/s, which will include details of the client's case, the response of Management and the outcome of the meeting. The client and, where applicable, the person at whom the grievance/complaint is addressed, will be asked to agree and sign the record of the meeting/s. Copies of the record will be given to everyone who attended the meeting/s.

3.4.2 Formal Stage 1 (b)

If the client's complaint is directed at the Manager or member of the Board of Management, the client will be supported to raise the grievance/complaint with the Board of Management or the Complaint's Sub-Committee, as appropriate. The Complaint's Sub-Committee will investigate the grievance/complaint and will endeavour to resolve the matter within ten working days.

The following procedures may be implemented during Formal Stage 1 (b):

- (i) A formal hearing will be set up between the client and the Complaint's Sub-Committee, as appropriate;
- (ii) Both parties may be present at the hearing;
- (iii) The client may be accompanied by a support person of their choice;
- (iv) The problem will be investigated, discussed and issues dealt with promptly, through the Complaint's Sub-Committee making a recommendation;

If either the client or the Manager/Board Member are dissatisfied with the recommendation of the Complaint's Sub-Committee, they will be advised by the Sub-Committee of their right to appeal the decision by moving to Formal Stage 2 (b) of the procedure.

If applicable, the person at whom the complaint is addressed will be informed of their right to appeal, the time period allowed and to whom the appeal should be addressed. The appeal should be submitted in writing.

Management will keep a written record of hearings, which will include details of the client's case, the response of Management/Board Member and the outcome of the hearing/s. The client and where applicable, the person at whom the grievance/complaint is addressed will be asked to agree and sign the record of the hearing/s. Signed copies of the record of the hearing/s will be given to everyone who attended hearing/s.

3.4.3 Formal Stage 2 (a)

As stated above, if either the client or the person at whom the grievance/complaint is addressed are not satisfied with the decision of the Manager of the Centre, they will be informed of their right to appeal. The appeal should be submitted in writing to the Chairperson of the Board of Management. The Chairperson shall attempt to conclude the appeal process within ten working days by convening an Appeals Panel (which may contain Trustees, their representative or representative of funders, and members of the Board of Management who were not previously involved in the process).

The following procedures may be implemented at this stage:

- (i) Both parties may be present at the Appeal hearing;
- (ii) The client may be accompanied by a support person of their choice;
- (iii) The person at whom the grievance/complaint is addressed may be accompanied by a support person , or work colleague;
- (iv) The problem will be investigated, discussed and issues dealt with promptly, by the Appeal Panel making a recommendation;

The client and person complained against will be informed of their right to seek arbitration if they are dissatisfied with the decision of the Appeals Sub-Committee. The appeal should be submitted in writing to the Chair of the Board of Management within ten days of the decision of the Appeals Sub-Committee.

The Chairperson will keep a written record of any hearings, which will include details of the complainant's case, the response of Management and the outcome of any such hearing/s. The complainant and, where applicable, the person complained against, will be asked to agree and sign the record of the hearing/s. Copies of the record will be given to everyone who attended the hearing(s).

3.4.4 Formal Stage 2 (b)

If the client or Manager/Member of the Board of Management are dissatisfied with the decision made at Stage 1 (b) they can appeal that decision to a specially convened Appeals Sub-Committee (which may contain Trustees, their representative or representative of funders, and members of the Board of Management who were not previously involved in the process), who will hear the appeal and will endeavour to resolve the matter within ten working days.

The following procedures may be implemented at this stage:

- (i) Both parties may be present at the hearing;
- (ii) The client may be accompanied by a support person of their choice;
- (iii) The Manager or Member of the Board of Management may be accompanied by a support person of their choice;
- (iv) The problem will be investigated, discussed and issues dealt with promptly, with the Appeals Sub-Committee making a finding;

The client and Manager/Member of the Board of Management will be informed of their right to seek arbitration if they are dissatisfied with the decision of the Appeals Sub-Committee. The appeal should be submitted in writing to the Chair of the Board of Management within 1 week of the decision of the Appeals Sub-Committee.

Management will keep a written record of the hearings, which will include details of the client's case, the response of Management and the outcome of the hearings/s. The client and where applicable, the Board of Management will be asked to agree and sign the record of the hearing/s. Copies of the record of the hearings/s will be provided to everyone who attended hearing/s.

3.4.5 Formal Stage 3

Should parties be dissatisfied by the decisions made at Stage 2 (a) or (b), they have the right to ask for the help of an agreed outside arbitrator. The Chairperson of the Board of Management will arrange for a meeting of all parties, with the arbitrator, within twenty-eight days of their agreement to have an arbitrator. The decision of the arbitrator will be final and binding. Should the complaint/grievance be up-held the process will move to the Disciplinary Procedure for the person complained against.

3.5 Malicious Accusations

If following detailed consideration of all relevant facts of the case, it is considered that the grievance complaint was brought about maliciously, it may be treated as a reason for client exclusion under the Client Exclusion Policy.

3.6 Statutory Rights

Nothing in these procedures will interfere with a consumer's statutory rights under Consumer Protection Legislation.

3.7 Mediation

Mediation is a process whereby a third party attempts to help the parties reach agreement in the event of a dispute/grievance. It may be requested or recommended but must be agreed by the parties to the dispute/grievance. The recommendations of the Law Reform Commission have been accepted regarding the requirement to attempt to solve conflict issues using mediation as a means towards resolution. It is advised, therefore, that it be included as part of the process towards resolution.

The mediation process is a structured approach used in an attempt to resolve the problem. This process would involve discussion of the problem between the complainant and a nominated external mediator. With the complainant's permission, discussions are then held with the other relevant parties. No detailed formal record will be maintained of this process although review meetings will be agreed and the outcome of the mediation process noted. Counselling will be arranged for either party at any stage if required.

3.8 Unsatisfactory Outcomes and Escalation Options

If a client is still dissatisfied with the outcome once all stages of the complaints process within the organisation have been exhausted, the complaint can be further escalated to the National Complaints Department in the HSE or the Ombudsmans Office for external review.

4 Outcome(s)

4.1 Outcomes for Counsellors/Staff/Volunteers and Members of Board of Management

It is anticipated that by adhering to the informal and formal stages as laid out in this policy, that all parties listed above, will be protected and given a fair hearing with regard to any complaints that may be made about them or their work by a client of the service. Adherence to the process as laid out in this document, ensures the highest standards with the maximum supports and safeguards in place to ensure their own well-being and professional integrity is safe-guarded and maintained.

4.2 Outcomes for Clients

It is correspondingly anticipated that adherence to the process as laid out in this document, will ensure that all clients attending the Traveller Counselling Service will be receiving the highest standard of service that we can offer and will be dealt with in a safe, ethical and fair manner. It will ensure that their voice is heard and will ensure that any complaints will be dealt with promptly and efficiently.

4.3 Outcomes for the Organisation

It is anticipated that through adherence to the requirements and practices as laid out in this policy, that we will be adhering to ethical standards and requirements as required by all relevant governing bodies (IAHIP, IACP, FTAI).

5 Policy Development/Governance Group

5.1 Membership of the Policy/Governance Group.

Membership of the policy/governance group that has responsibility for this policy will be made up of members of the Board of Management, the Manager of the Counselling Service and the Administrator of the Counselling Service.

5.2 Conflict of Interest/Conflict of Loyalty

Expressions of conflict of interest and conflict of loyalty will be assessed and noted in the minutes each time this group meets to discuss policy.

6 Supporting Evidence

6.1 List relevant legislation

There is no legislation relevant to this policy.

6.2 List of policies that are being replaced by this policy

This policy is replacing the section, entitled Counselling Complaints, that was part of the TCS1 Counselling Code of Ethics, Policies, Procedures and Practice document.

6.3 List related policies.

Policies that are referred to or are relevant to this policy are as follows:-

- GDPR Data Protection Commission [www.gdprandyou.ie]
- Code of Ethics and Practice: Irish Association for Counselling and Psychotherapy
- Code of Ethics and Practice for Psychotherapists: Irish Association of Humanistic and Integrative psychotherapy.
- Code of Ethics Family Therapist Association of Ireland
- 1.4 TCS Code of Conduct for Contracted and Volunteer Counsellors
- 1.2 TCS Operating Procedures and Practice Guidelines for Counselling

6.4 List of Relevant Governing Bodies

- Irish Association of Humanistic and Integrative Psychotherapy (IAHIP)
- Irish Association for Counselling and Psychotherapy (ICAP)
- Family Therapy Association of Ireland (FTAI)
- Association for Agency-based Counselling and Psychotherapy in Ireland (AACPI)
- **Ombudsmans Office, www.ombudsman.ie**
- **HSE National Complaints Department, Ph 045 880400, yoursay@hse.ie**

7 Glossary of Terms

No terms were felt to warrant inclusion in the Glossary of Terms.

8 Approval and Review

This policy document was circulated to the Governance Sub Group for comment and feedback following which, the final version was submitted to the Board of Management for ratification. This policy was signed-off by the Board of Management at the date inserted below and is due for review three years from this date.

Chairperson : _____ Date : _____
Chris McDonagh

Review Due : _____

Appendix

(i)	Client Complaints Form	14
(ii)	Complaints Register	15



Traveller Counselling Service

Client Complaint Form – CF5

Name : _____ Date : _____

Contact Number : _____

Name of Counsellor/Staff or Board Member : _____

Location of Incident : _____

Nature of Complaint : _____

(Please use additional pages as necessary)

What would you like to see happen in response to this complaint? (Eg an apology) : _____

Signed : _____

Client

Signed : _____

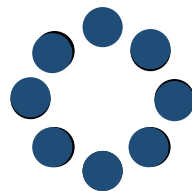
Manager

For Official use only:

Date Received : _____ No : _____

Date Responded to : _____ Signed : _____

Outcome : _____



Traveller Counselling Service

Complaints Register 2021

Date of Meeting	Type of Meeting	Type of Complaint		Resolved		Decision of Board	Complaints Made	
		Client	Other	Y	N		Y	N

Signed: _____

Date: _____

Chairperson