



---

## External Complaints Procedure

---

### 1. INTRODUCTION

This procedure provides a structure for dealing with a complaint by a third party against a trustee, member or employee of the Healing Trust.

### 2. DEFINITIONS

For the purposes of this procedure:

**Appeal** means an appeal from the decision of a Complaint Panel after a Complaint Panel meeting.

**Appellant** means the person who is appealing against the decision of Complaint Panel.

**Centre Chair** means the elected Chair for the time being of a Trust Healing Centre.

**Client** means any member of the public receiving healing from a member of the Trust.

**Code of Conduct** means the Trust's Code of Conduct, a copy of which can be found on the Trust's website.

**Companion** means someone assisting the Complainant or the Member at a Panel Meeting.

**Complainant** means the person making a complaint against a trustee, member or employee of the Trust.

**Complaint** means any complaint which a third party has against a trustee, member or employee of the Trust.

**Complaint Panel** means a Panel as set out in the Table in section 6.

**Complaint Panel meeting** means the meeting of a Complaint Panel to consider a complaint made against a trustee, Member, or employee of the Trust.

**Complaints Register** means the register of any complaint made under this procedure, detailing the name of the Complainant, the Member, a summary of the nature of the complaint, the date the complaint was made, and the date and nature of the resolution of that complaint.

**Decision** means the decision of a Panel after a Panel meeting.

**Disciplinary Procedure** means the Trust's Disciplinary Procedure which can be found on the public section of the Trust's website.

**Elected Office Holder** means the elected National Chair, Vice- Chair, Secretary and Treasurer and the Chair, Vice-Chair, Secretary and Treasurer of any Region or Healing Centre.

**Employee** means any person employed by the Trust.

**Healing Centre** means a Trust Healing Centre established in accordance with Section 3 of the Healing Trust Standing Orders.

**Member** means, for the purposes of this procedure, any student, healer or community member as defined in Article 4 of the Articles of Association and paragraphs 12 to 19 of the Code of Conduct, or any trustee who has been made an Honorary Member in accordance with Order 4.4 of the Standing Orders; or any Employee, against whom a complaint has been made.

**Office Manager** is currently Lis Blunden [lis@thehealingtrust.org.uk](mailto:lis@thehealingtrust.org.uk)

**Parties** means the Complainant and the Member.

**Regional Chair** means the Chair of any Regional Committee who has been elected in accordance with Section 2 of the Standing Orders of the Healing Trust.

**Regional Complaint Panel** means a Panel appointed by the Standards Officer consisting of three experienced Healer Members, each from a Region other than that of the Member, who do not know the Complainant or the Member.

**Response** means the response made by the Member to a complaint.

**Respondent** means the party to an appeal who is not the Appellant.

**Standards Officer** means the Chair of The Healing Trust Governance and Ethics Committee, currently Penny Hamilton <mailto:penny@thehealingtrust.org.uk>

**The Trust** means The Healing Trust.

**Trustee** means a trustee appointed in accordance with Section 4 of the Healing Trust Standing Orders.

**Trustee Complaint Panel** means a Panel to consider a complaint against a trustee, which is made up from other members of the Board of trustees.

**Trustee Appeal Panel** means a Panel made up of the chair of the Trust, one other trustee and one person with legal expertise who is not a trustee, member, employee of the Trust or, if the Standards Officer considers it to be appropriate, three trustees.

**UK Healers** is the Lead Body for Spiritual Healer practitioners in the United Kingdom <https://ukhealers.co.uk>

### 3. POLICY

- 3.1 The Trust attaches the utmost importance to its ethical and professional standards and, in particular, to adherence to its Code of Conduct. It is the aim of the Trust to establish a structure by which a Complaint can be dealt with as quickly and fairly as possible.
- 3.2 Any complaint made, or an alleged breach of the Code of Conduct, will be promptly and thoroughly investigated. The aim of this procedure is to ensure that the complainant has the satisfaction of knowing that the complaint has been properly dealt with but also that the Member is protected from any thoughtless and malicious allegation.
- 3.3 If the Complainant agrees, the Trust will try to resolve a complaint informally in accordance with Section 4.
- 3.4 If the complaint cannot be resolved informally, or if the Complainant or the Member does not want an informal resolution, the complaint must be dealt with under the formal procedure in Section 5.
- 3.5 There are certain issues which are not appropriate for informal resolution, such as harassment, bullying, inappropriate behaviour or whistleblowing, which must always be subject to the formal complaint procedure.
- 3.6 Whichever procedure is followed, the Complainant will be kept informed of the progress of dealing with the complaint.
- 3.7 The Trust will maintain a Complaints Register, administered by the Office Manager at Central Office.
- 3.8 Every complaint made will be entered into the Trust's Complaints Register.

- 3.9 Subject to the requirements of this procedure , every attempt will be made to ensure that information relating to the Complainant and the Member remains confidential throughout the complaint process.
- 3.10 The Trust will notify UK Healers of every complaint which has been made.
- 3.11 If the Standards Officer is of the view that the complaint could give rise to a claim against the Trust, they will notify the Trust's Insurers.
- 3.12 If, at any stage of the procedure, it appears that the complaint involves a potential criminal act, the Trust will inform the police and take no further action under this procedure until authorised to do so. If appropriate, the Member may be suspended pending the resolution of any criminal investigation.

#### **4. INFORMAL RESOLUTION**

- 4.1 A Complainant who wishes to resolve a complaint informally should advise the Standards Officer who will initiate a meeting with the most appropriate person.
- 4.2 A written record of what was discussed, and any decision and/or agreement made, should be made and signed by the person dealing with the complaint and sent to the Complainant and the Member. A copy must also be sent to the Standards Officer who will keep it on file for a discretionary period of one to five years, subject to no recurrence of the actions leading to the complaint.
- 4.3 If the person dealing with the complaint considers that the issue has the potential to bring the Trust into disrepute, they must inform the Standards Officer.

#### **5. FORMAL COMPLAINTS PROCEDURE**

This procedure must be used where:

- an informal resolution has not been possible;
- there is a perceived conflict of interest;
- the person complained about is an elected office holder or trustee acting in that capacity; or
- the complaint involves harassment, sexual impropriety, bullying or whistleblowing.

#### **6. MAKING A FORMAL COMPLAINT**

Any formal complaint, however arising, must be notified by email to the Office Manager who will forward it to the Standards Officer.

## **7. HANDLING THE COMPLAINT**

- 7.1. Within five working days of receiving the complaint the Standards Officer will acknowledge the complaint, explain the complaint-handling procedure and provide approximate timelines.
- 7.2. The Standards Officer will also send the Complainant a complaint form to complete to ensure that the Trust is fully aware of the nature of the complaint, the name of the person or persons complained about, the factual background and any remedy requested. This must be returned to the Standards Officer as soon as possible, accompanied by copies of any relevant documents in support of the complaint. It is helpful to provide as much detail as possible. If the Complainant prefers, they may provide all the information requested in the complaint form by a letter sent by email addressed to the Standards Officer, copied to the Office Manager.
- 7.3. Unless there are exceptional circumstances, the Standards Officer cannot continue handling a complaint until all the required information has been provided, either by the completion of a complaint form or by letter, and the Complainant has given permission to send that information to the Member.
- 7.4. Within five working days of receiving the complaint form or letter, and with the Complainant's permission, the Standards Officer will send a copy of the complaint, and any supporting documents, to the Member and invite them to respond and produce their own documentation and evidence within ten working days.
- 7.5. Within five working days of receipt of the Member's response, the Standards Officer will send it and any supporting documentation to the Complainant.
- 7.6. Within five working days of receiving the Member's response, the Standards Officer, in consultation with the Office Manager, will appoint an appropriate Complaint Panel (see Section 8) to deal with the complaint.
- 7.7. The Standards Officer will arrange a meeting of that Complaint Panel, to take place as soon as is reasonably possible. The meeting must be at a time and place convenient to all involved and in surroundings which are conducive to a cordial and supportive atmosphere. If everyone consents, the meeting can be held virtually via Zoom or similar technology. The Standards Officer must give fair notice to the parties of the date and time of the meeting.
- 7.8. The Standards Officer must inform the parties of their right to be accompanied by a person of their choice (a "Companion") to assist them at the Complaint Panel Meeting.

## 8. RESOLVING THE COMPLAINT

The table below sets out the appropriate Complaint Panel for resolving a formal complaint.

<b>Complaint Against:</b>	<b>Report Complaint to:</b>	<b>Resolution by:</b>	<b>Appeal to:</b>
A member of the Trust	Office Manager	A Regional Complaint Panel from another Region	A Trustee Appeal Panel
A Regional Chair acting in that capacity	Office Manager	A Regional Complaint Panel from another Region	A Trustee Appeal Panel
An Elected Officer acting in that capacity	Office Manager	A Regional Complaint Panel from another Region or, if the Member is a Trustee, a Trustee Complaint Panel	A Trustee Appeal Panel but, where the Regional Complaint Panel recommends removal from office, the Board of Trustees
An employee	Office Manager	A Trustee Complaint Panel	The Board of Trustees
A trustee acting in that capacity	Office Manager	The other trustees or a meeting in accordance with Articles 28.9 of the Trust's Articles of Association as appropriate	None

8.1. As shown in the table above, the Complain Panel which hears the complaint will depend on who is complaining about whom.

8.2. The Standards Officer will be available to assist the Complaint Panel and the parties but will act only in an advisory capacity and take no part in the decision-making process.

8.3. If the Standards Officer, or a Complaint Panel, considers that the issue raised is so serious that it should be dealt with under the Disciplinary Procedure, they will consult with the Chair of the trustees who will determine the procedure to be followed. The Standards Officer will then inform the Member accordingly.

## 9. PREPARATION FOR THE COMPLAINT PANEL MEETING

### 9.1. Documents

The Parties should ensure that they have all the documents on which they wish to rely. These will normally be those which have already been sent in support of the complaint or response. It is only in exceptional cases that the Complaint Panel will permit new documents to be produced if they have not already been seen by the Panel and the parties.

## 9.2. Witnesses and written statements

The Parties should ensure that any witnesses they wish to call in support of their case are able to attend the hearing. If a witness is unable to attend, a written statement may be used but only if the Complaint Panel and all parties' consent. The parties should be aware that a written statement can be less persuasive than a live witness .

## 9.3. Other Advice and assistance

In certain circumstances, if it is mutually agreed, external advice and assistance may be sought during the formal complaints' procedure.

## 9.4. Enquiries

If it is considered helpful to the matter under consideration, the Panel, or the Standards Officer, as appropriate, may make any enquiries or consider any documents which may be necessary to conduct a proper hearing. Under data protection law (UK GDPR), the Complaint Panel should obtain consent from the person who provided information before sharing it. This might mean that some information might have to be anonymised before sharing it.

# 10. THE COMPLAINT PANEL MEETING

## 10.1. Application

This paragraph applies to all Complaint Panel Meetings.

## 10.2. The Guiding Principles

The purpose of the Complaint Panel Meeting is to ensure that the Complainant and the Member have every opportunity to state their case and explain what happened and why, so that the Panel can come to an impartial decision based on everything that has been said. The guiding principle is that the Complainant and the Member both feel that they have had the opportunity to put their case to a fair and impartial Panel.

## 10.3. Confidentiality

All Complaint Panel Meetings will be held in private and, subject to the requirements of this procedure and the Trust's Code of Conduct, will be confidential to the Complaint Panel and the Parties.

## 10.4. Attendance

The Complainant and the Member should make every effort to attend the Complaint Panel meeting on the date set. If they do not attend, and there is no reasonable excuse for their absence, the Panel Meeting can be held and concluded in their absence on the basis of the complaint, the response and accompanying documents.

#### 10.5. Legal Representation

No legal representative may be present at the Complaint Panel meeting.

#### 10.6. The Right to Have a Companion

The Parties each have the right to bring a Companion to the Panel Meeting who attends merely to give support and may not give evidence unless called as a witness. A Companion may take notes, provided that copies of any notes of evidence are sent to the Standards Officer to form part of the record of the hearing. A Companion may not answer questions put to the Parties or prevent anyone else at the Complaint Panel Meeting from speaking.

#### 10.7. Procedure at the Complaint Panel Meeting

The Complaint Panel Meeting is not a court of law, and it is up to the Panel to run it in a way which leads to a fair and impartial decision. This means that the Complainant and the Member must each have the opportunity to:

- tell the Panel all the relevant facts;
- show the Panel any documents on which they wish to rely;
- call any witnesses in support of their case and allow them to be questioned by the Panel and the Member/Complainant as appropriate.

It is helpful to allow the Complainant to speak first and make their case. The Member will then be able to respond once they have heard all the details of the complaint. After the Member has spoken and put their case and evidence to the Panel the Complainant must have the opportunity to answer any points made by the Member or the Panel.

#### 10.8. Intervention by the Complaint Panel

This framework is not intended to be rigid and there may be times during the Complaint Panel Meeting when the Panel wishes to intervene and ask questions or discuss issues with the Complainant and/or the Member.

#### 10.9. Keeping a Record

The Complaint Panel must keep a contemporaneous note of what has been said which will form part of the written record of the hearing.

### **11. FURTHER ENQUIRIES**

The Complaint Panel may wish to make further enquiries before reaching a decision. If so, the result of those enquiries must be sent to the Parties for comment before a decision is made. Under data protection law (UK GDPR), the Panel should obtain consent from the person who provided information before sharing it. This might mean that some information might have to be anonymised before sharing it.

## 12. THE DECISION

### 12.1. The Decision-Making Process

In coming to its decision, the Complaint Panel must:

- rely only on what was said at the Panel Meeting, any documents shown to them and the results of any enquiries made before or after the Panel Meeting;
- ensure that the decision is fair and reasonable by taking into account anything which is relevant and ignoring anything which is irrelevant.

### 12.2. Decision by Majority

In the event of a disagreement between members of the Complaint Panel, a decision by majority is acceptable. Any disagreement should not be revealed to the Parties.

### 12.3. Decision in Writing

The decision must be in writing and signed by the Chair of the Complaint Panel. It must set out the reasons for the Panel's findings and the evidence relied upon. It must also set out the right to appeal against the decision.

### 12.4. The Powers of a Complaint Panel in Particular Circumstances

A Complaint Panel can make any or none of the following recommendations which are not included in the decision:

- A Trustee Complaint Panel hearing a complaint against an Elected Office Holder acting in that capacity may recommend to the Board of Trustees that the Office Holder be withdrawn from office on the grounds that their continuation in office would be harmful to the interests of the Trust.
- Any Complaint Panel can recommend to the Board of Trustees that the Member be dismissed from membership in accordance with Article 9.4 of the Trust's Articles of Association.
- If a complaint against a trustee acting in the capacity of a trustee is upheld, the Chair of the Board can recommend that the procedure under Article 28.9 of the Trust's Articles of Association be followed.

The Trust will notify UK Healers once the complaint has been dealt with and how it had been resolved.

## **13. APPEALING THE DECISION OF A COMPLAINT PANEL**

### **13.1. The Right to Appeal**

A Complainant, or Member who is not a Trustee, is entitled to appeal a Complaint Panel decision if they consider that the outcome is wrong or that any stage of the procedure was conducted wrongly or unfairly. The appropriate Appeal Panel for each category of appeal is set out in the table at Section 8.

### **13.2. How to Appeal**

The appeal should be in writing and sent by post or email to the Standards Officer within five days of receiving the decision and should set out the reasons for the appeal.

## **14. DEALING WITH THE APPEAL**

### **14.1. Appointing an Appeal Panel**

On receiving an appeal, the Standards Officer will appoint an appropriate Appeal Panel and arrange a meeting to take place as soon as is reasonably possible at a time and place convenient to the Parties.

### **14.2. The Appeal Panel Hearing**

At the hearing, the party bringing the appeal will be asked to explain their reasons for appealing. The other party will be asked to respond.

The Appeal Panel will consider all the evidence before the Complaint Panel and the written decision of that Complaint Panel. The Appeal Panel will not conduct a rehearing of all the evidence unless they consider the notes and evidence before them to be flawed or inadequate or they consider the original hearing was conducted unfairly.

The Appeal Panel will not normally hear fresh evidence but may do so if satisfied that not to do so would be unjust.

## **15. THE APPEAL DECISION**

### **15.1 The Powers of the Appeal Panel**

The Appeal Panel can either confirm the decision of the original Panel or, if it considers that the original decision was incorrect, it must substitute its own decision.

### **15.2. Communicating the Decision**

As soon as practicable the Appeal Panel will prepare, and the Chair will sign, a full written decision giving their reasoning and findings and send it to the Standards Officer.

The Standards Officer will send a copy of the Appeal Decision to the Parties within five working days of receiving it from the Appeal Panel.

### 15.3. No Further Appeal

There is no further right of appeal from the decision of an Appeal Panel.

## 16. COSTS OF A COMPLAINT OR APPEAL PANEL

### 16.1 Expenses of the Parties

Subject to 16.3 below, each Party is responsible for their own expenses incurred in attending a Complaint or Appeal Panel.

### 16.2 Expenses of the Complaint or Appeal Panel Meeting

The Trust will meet the expenses of convening a Complaint or Appeal Panel Meeting, and the reasonable expenses of the Complaint Panel members.

### 16.3 Award of Costs Against a Party

A Complaint or Appeal Panel may require the Complainant or the Member to pay the expenses of the Panel and the other Party if their behaviour is unreasonable or if they fail to attend a Complaint Panel Meeting without notice and with no reasonable excuse.

## 17. SUSPENSION PENDING THE COMPLAINT PROCEDURE

### 17.1 Members

It may be appropriate for the Member to be suspended from healing activities and other public duties during this procedure.

### 17.2 Office Holders

It may be appropriate for an Office Holder to be suspended from their duties during this procedure. Elected Office Holders or Committee Members of the Trust are barred from holding office during a period when their membership is suspended for any reason.

The appropriate Region or Centre must be informed immediately and should appoint another Office Holder to perform the duties of the suspended Office Holder until such time as the situation is resolved.

## 18. NO REFUND OF SUBSCRIPTION

Where the Member is suspended or removed, no refund will be given by the Trust of any subscription previously paid for membership of the Trust.

**19. TRANSFER TO THE DISCIPLINARY PROCEDURE**

If, once the facts of the complaint have been established at a meeting, a Complaint or Appeal Panel considers that the Member should be subject to the Disciplinary Procedure, it must inform the Standards Officer. Once a complaint has been referred to the Standards Officer under this section, there will be no further action under this procedure.