

COMPLAINTS PROCEDURE PROTOCOL

The Cosmetic Practitioner Register (CPR) compiled this **COMPLAINTS PROCEDURE PROTOCOL** as a service to Registrants (Cosmetic Practitioners registered with the CPR).

The CPR also offers a free independent Mediation Service. Contact details on <http://cpr.international/>



<input type="checkbox"/>	INTRODUCTION	1
<input type="checkbox"/>	CAVEAT	5
<input type="checkbox"/>	WHO CAN COMPLAIN?	6
<input type="checkbox"/>	TIME LIMITS PRINCIPLES	7
<input type="checkbox"/>	HOW TO MAKE A COMPLAINT	8
<input type="checkbox"/>	GETTING HELP	9
<input type="checkbox"/>	WHAT TO EXPECT	10
<input type="checkbox"/>	ALTERNATIVE DISPUTE RESOLUTION	11
<input type="checkbox"/>	SUMMARY	12

COMPLAINTS PROCEDURE PROTOCOL

INTRODUCTION

Most Cosmetic Procedures goes well but sometimes things can go wrong. If a Client is unhappy with results or adverse events occurred, letting a Practice know enable them to make improvements or take further precautions.

Cosmetic Practitioners therefore encourage feedback because it is used to improve quality. If a Client wish to share views and experiences, positive or negative, simply speak to the Practitioner or a member of staff. Clinics have feedback forms available on their premises or websites and ways to give feedback should be clearly displayed.

This is usually done through giving informal **FEEDBACK** or making a formal **COMPLAINT**.

If Clients are unhappy with a procedure, it is often worthwhile discussing their concerns early on with the practitioner, as he / she may be able to sort the issue out quickly. Most problems can be dealt with at this stage, but in some cases Clients may feel more comfortable speaking to someone not directly involved in their procedure.

Before a Client makes a Complaint

If Clients have concerns, the first step is usually to talk to the Cosmetic Practitioner involved, or ask to see the person in charge (the Manager). Any member of staff should be able to tell a Client how to contact the right person to talk to. The switchboard or the website of the organisation could also tell a Client the right person to contact.

Keep a note of:

- the dates and times when talking to them
- the names of the people present
- what was discussed, their response and what they say will happen next.

If Clients are not happy after this discussion, they can ask to see the owner of the organisation. Again, the staff should be able to tell who this is and how to contact them. Keep a record of this meeting.

Local Resolution

If a Client is still unhappy after talking informally about the problem, or if the complaint is something that can't be sorted out straight away, he / she can make a complaint under the **Complaints Procedure**, as explained below.

COMPLAINTS PROCEDURE PROTOCOL

The first stage is called **local resolution**. Clients can address their complaint either to:

- the person who provides the procedure, or
- the business which offers the procedure.

If Clients are complaining to the Cosmetic Practitioner, the complaint is addressed to the individual. The Client may also want to send a copy to the manager or owner of the business so that they are aware of the problem. If Clients are not comfortable talking directly with the Cosmetic Practitioner, they may prefer to address their complaint directly to the manager or owner. Clients can make their complaint in person, in writing or by email. It is usually best to make it in writing and they can get help writing the Letter of Complaint.

Whichever method used, make sure to state: ***“I am now starting the complaints procedure”***.

The Client should give full details of the problem, including the name of any staff members involved. Before a Client make the complaint, make a note of the relevant events, dates, times, names and conversations, and include all necessary details. It can take a while to sort out a complaint and keeping a note of everything will help the Client remember the details. Make the explanations as short and clear as possible. Focus on the main issues, and leave out irrelevant details. Don't be afraid to say what has been most upsetting, but avoid aggressive or accusing language. If possible, talk through the planned discussion with someone else first, or ask them to read the written statement written before sending it. Clients should also say what outcome they would like. For example, an explanation or apology or a change in treatment / procedure.

If Clients complain in writing, they should keep a copy of everything posted, and make notes of when they sent letters. If they need to enclose other documents, only send copies and keep the originals. Always send letters by recorded delivery to make sure the recipient gets it.

If Client makes a complaint verbally, they should make notes beforehand of what they want to say to prevent being distracted if upset. Also take notes of what the Practice reply when Clients report their concerns. However, the organisation a Client is complaining about must make a written record of the complaint and provide the Client with a copy of this record unless the complaint is sorted out to the Client's satisfaction by the end of the next working day after having made the complaint. Check this record carefully, to make sure it agrees with the actual conversation.

If the complaint is on behalf of someone else, this person's consent is usually needed. Ask them to co-sign the letter if they can, or enclose an authorisation to act on their behalf. If complaining on behalf of a Client who has died, it is necessary to provide evidence of being next of kin or written permission of the next of kin.

COMPLAINTS PROCEDURE PROTOCOL

If a Client's complaint is about more than one Procedure or Cosmetic Practitioner

If Clients want to complain about more than one organisation, they only need to send a letter to one of the organisations, which then should contact the other organisation and work with them to deal with the complaint.

Steps in the Complaints Process

Step 1: Contact the business directly.

Ask them to put things right (feedback and local resolution)

Step 2: Make the Formal Complaint.

Personally or through claim handlers, firms or claims management companies.

Step 3: Contact the Cosmetic Practitioner Register.

- ❖ If a Client is not happy with the Cosmetic Practitioner's or business manager's response (and they are members of the CPR), or they reject the complaint or the Client do not hear from them within 8 weeks, the CPR may be able to help.
- ❖ It is a free, independent service for settling disputes between Registered Cosmetic Practitioners and their Customers.
- ❖ The CPR can deal with complaints about a wide range of cosmetic matters – from procedure to products and payments.
- ❖ The CPR will ask the Cosmetic Practitioner to explain what it thinks happened and then decide whether to uphold a Client's complaint or not and give an explanation to both parties.
- ❖ It is important the Client contact the CPR within 6 months of receiving a final response (or no response) from the Cosmetic Practitioner, or it may not be able to deal with a Client's complaint.

Step 4: Take the matter to court.

If a Client does not want to accept a decision by the CPR, another Mediator or ADR provider and have not used an independent complaints scheme, as a last resort the Client may be able to take their case to court.

A Client would usually start civil legal action in the county courts or High Court (in England, Wales and Northern Ireland), depending on the circumstances of the case. In Scotland, most small claims are started in the Sheriff Courts.

COMPLAINTS PROCEDURE PROTOCOL

CAVEAT

Not Medical

Cosmetic Practice is not Medical Practice. The same standards does not apply. Where Medical Practice focus on essential life saving, disease curing and preventing interventions, Cosmetic Practice is voluntary and optional.

The agreement between a Cosmetic Practitioner and Client is an individual Civil Contract for a Procedure not explicitly regulated by law. This is in contrast to the statutory regulated medical or nursing profession with an agreement between a Medical Practitioner / Nurse and Patient overseen by rules and regulations.

Although the “law of negligence” may apply, legal tests such as “Bolam” and “Bolitho” is not relevant.

UK Legal System Requirements / Expectations

In paragraph 3 (c) and (d) dealing with objectives of pre-action conduct and protocols of the “Practice Direction - Pre-Action Conduct and Protocols”, aspirant litigants are instructed as follows:

“Before commencing proceedings, the court will expect the parties to have exchanged sufficient information to— try to settle the issues without proceedings; consider a form of Alternative Dispute Resolution (ADR) to assist with settlement;...”

The “Pre-Action Protocol for Professional Negligence” explain more in paragraph 12, Alternative Dispute Resolution:

“12.1 Court proceedings should be a last resort. The parties should consider whether some form of alternative dispute resolution procedure might enable them to settle their dispute without commencing court proceedings, and if so, endeavour to agree which form to adopt.

12.2 Parties may negotiate to settle a dispute or may use a form of ADR including:

- (a) mediation – a third party facilitating a resolution;***
- (b) arbitration – a third party deciding the dispute;***
- (c) early neutral evaluation – a third party giving an informed opinion on the dispute;***
- (d) adjudication – a process by which an independent adjudicator provides the parties with a decision that can resolve the dispute either permanently or on a temporary basis, pending***

COMPLAINTS PROCEDURE PROTOCOL

*subsequent court determination; and
(e) Ombudsmen schemes.*

(Information on mediation and other forms of ADR is available in the Jackson ADR Handbook (available from Oxford University Press) or at—

- ★ <http://www.civilmediation.justice.gov.uk/>
- ★ http://www.adviceguide.org.uk/england/law_e/law_legal_system_e/law_taking_legal_action_e/alternatives_to_court.htm)”

WHO CAN COMPLAIN?

Clients can complain about any aspect of Cosmetic Practice as long as they:

- receive or have received services from the body concerned, or
- are someone who is affected, or likely to be affected, by the action, omission or decision of the body they want to complain about.

Anyone can complain on behalf of someone else if the person who has grounds to complain:

- has died, or
- is under age, or
- can't make the complaint themselves because of physical or mental incapacity, or
- has asked the person making the complaint to act on their behalf.

Children and Young People

The parent of a child under 16, can make a complaint on their behalf, but only if the CPR thinks the child can't make the complaint themselves. If the CPR thinks the child can make the complaint themselves, someone can still make the complaint on their behalf, as long as the child give permission for the complaint to be made on their behalf. The CPR might ask the child to fill in a '**permission to act on my behalf**' form.

Young people, aged 16 or 17 are expected to make their own complaint if they have the understanding to do so. If they do not have this understanding, the parent can make the complaint on their behalf.

Clients over 18 years of age will be expected to make their own complaints. But if they want someone else to do it, they have to give permission and consent to that person and if it is in their best interest.

COMPLAINTS PROCEDURE PROTOCOL

When someone can't use the complaints procedure

- If someone made a complaint verbally and it was sorted out to their satisfaction by the end of the next working day
- If someone is an employee of the Cosmetic Practice and want to complain about an employment issue
- If someone's complaint has already been looked at under the Complaints Procedure
- If someone's complaint has been, or is being investigated, by any official organisation (including the Police)

TIME LIMITS PRINCIPLES

Clients should make their complaint as soon as possible.

There are no limits on how long the Practice can take to deal with a Client's complaint but it has to be in a reasonable time. The timescale will depend on things like:

- how many staff the Practice needs to speak to
- how easy it is for the Practice to get access to all the Client's procedure and medical records
- if other organisations are involved and
- if expert opinions are being obtained

The time limit for a complaint is normally:

- 12 months from the date the event, that are being complained about, happened, or
- 12 months from the date a Client first became aware of the problem

The time limit can sometimes be extended but only if it's still possible to investigate the complaint. For example, the time limit could be extended if it would have been very difficult for someone to complain earlier, because they were undergoing trauma.

If a Client feel that the delay is unreasonable, he / she can complain to the CPR, although they don't usually investigate unless local resolution has finished.

COMPLAINTS PROCEDURE PROTOCOL

HOW TO MAKE A COMPLAINT

Clients can complain in writing, by email or by speaking to someone in the organisation. If Clients make their complaint verbally, a record of their complaint should be made and they should be provided with a written copy.

Knowing who to complain to can seem confusing, especially if more than one organisation is involved. If Clients need help, they could get information from their local Citizens Advice Bureau or from the CPR.

The Citizens Advice Bureau has examples of Complaint Letters that may be of assistance:

<https://www.citizensadvice.org.uk/consumer/template-letters/letters/>

Get Advice first

It is usually best to get advice before writing a letter of complaint about a Cosmetic Procedure. Each situation is different and getting advice could help a Client understand exactly:

- what Clients can expect from their procedure or treatment, and
- whether the steps that have been taken so far are reasonable, and
- what to include in their letter.

How to write a Letter of Complaint

Clients should make sure that they have a **valid reason** to complain and that they have a **right** to complain.

If complaining on behalf of someone else, include their written permission. If they cannot give permission, for example, because they are too ill, explain this in the letter.

Keep the **Letter of Complaint** to the point and as short as possible.

Try to work together with the Cosmetic Practitioner as far as possible to sort out the problem.

List clearly the things complaining about. Write them down in date order, with as many factual details as possible.

For example, if complaining about the behaviour of the Cosmetic Practitioner at an appointment, write down:

COMPLAINTS PROCEDURE PROTOCOL

- the date and place of the appointment
- the name of the Cosmetic Practitioner
- the names of anyone else who witnessed the unacceptable behaviour.

Back up everything that written - keep any documents received. Attach **copies** of relevant documents to the letter.

Write the complaint in an unemotional way. Don't make personal attacks on the persons that are being complained about - stick to complaining about the aspects of their behaviour that are unacceptable.

State the outcome hoped for. This could be just an apology and an undertaking to behave differently in the future.

Examples

- If the complaint is about careless paperwork, ask for confirmation that the mistakes will be corrected.
- If complaining about unreasonable delays in getting procedures done, ask for a firm date to get an appointment.

If a Client wants a more formal outcome such as compensation, it will be prudent to get legal advice.

Date every letter and ask for a reply within the timescales set out in this Protocol.

Clients could also send copies of the letter to other people involved. For example:

- If writing to a Cosmetic Practitioner about the outcome of a procedure on a training day, send a copy of the letter to the Trainer.
- If the complaint is about professional misconduct, send a copy of the letter to the CPR.

Always keep a copy of the letter and any attachments send as well as a note of when the letter was posted.

GETTING HELP

Some people find it helpful to talk to someone who understands the complaints process first and get some guidance and support.

There are organisations that can help someone make a complaint, for example, the local **Citizens Advice Bureau**. They offer confidential advice, support and information on making a complaint or filing a claim. See their website for information on [how to get advice from the Citizens Advice Bureau](#).

COMPLAINTS PROCEDURE PROTOCOL

WHAT TO EXPECT AFTER MAKING A COMPLAINT

- The Cosmetic Practice must **acknowledge** the official complaint no later than **3 working days** from when they received the complaint. They can do this either verbally or in writing.
- When they acknowledge the complaint, they must offer to **discuss** with the Client, at an agreed time:
 - how the complaint will be handled, and
 - likely timescales.
- If the Client **accept**, the discussion will cover the period within which a response to the complaint is likely to be sent – there is no set timeframe and it will depend upon the nature of the complaint. If, in the end, the response is delayed for any reason, the Client should be kept informed.
- If the Client **don't accept** the offer of a discussion, they must still tell the Client in writing of when the investigation is likely to be finished and when a response can be expected.
- After an official written complaint, it is customary to allow **8 weeks** for the entity complained against to respond in writing.
- If the Client have made a complaint but the organisation has not sent a response after **6 months**, they have to write to the Client to explain the reason for the delay.
- However, at this point Clients may also wish to contact the CPR.
- Once the Client's complaint has been investigated he / she should receive a written response. The response should set out the findings and, where appropriate, provide apologies and information about what is being done as a result of the complaint.
- It should also include information about how the complaint has been handled and details of a Client's right to take complaints to the relevant ADR service.
- Throughout the Procedure, the Client should be kept informed of progress and told the outcome; be treated fairly, politely and with respect; be ensured that procedures, treatment and follow up will not be affected as a result of making a complaint and be informed of appropriate action taken following the complaint.

If a Client is not happy with the response to a complaint

If Clients are still not happy with the response provided, they can ask the independent CPR to look at their complaint. If the problem persists or Clients are not happy with the way their complaint has been dealt with, they can complain to the CPR. Because there are no Statutory Regulator for Cosmetic Practice in the UK, there is no official Ombudsman to take matters further with.

COMPLAINTS PROCEDURE PROTOCOL

ALTERNATIVE DISPUTE RESOLUTION

Alternatives to court

This information applies to England and Wales. If members of the public have a legal problem, they might have to go to court to sort it out. But going to court can be slow, expensive and stressful. There are other ways to resolve problems known as Alternative Dispute Resolution (ADR). Clients should get advice on their legal problem before deciding whether to choose some form of ADR.

The different types of ADR

- mediation and conciliation - an independent person helps the parties try to find a solution to the problem
- adjudication - an independent person considering both sides of a disagreement and making a decision
- arbitration - is like adjudication but is a more formal process where the parties have to accept the arbitrator's decision. Parties are unlikely to be able to challenge the decision if they don't agree with it
- ombudsmen - investigate and resolve complaints about organisations and government bodies.

The cost of ADR varies from scheme to scheme. Some ADR schemes such as the ombudsmen are free while others charge a fee. It is usually cheaper to use ADR than to go to court.

Next steps

- Going to court - are there alternatives? - Advicenow at www.advicenow.org.uk
- Why use ADR? Pros and cons - advice services alliance at www.asauk.org.uk
- [Who offers alternative dispute resolution \(ADR\)?](#)
- [Using alternative dispute resolution in a consumer dispute](#)

Other useful information

- Finding and choosing a mediator - advice services alliance at www.asauk.org.uk
- Find a local civil mediation provider - Ministry of Justice at www.civilmediation.justice.gov.uk

COMPLAINTS PROCEDURE PROTOCOL

SUMMARY

- Raise the issue with the Cosmetic Practice Manager or directly with the Cosmetic Practitioner.
- Give clear Feedback and suggest actions that may resolve the matter.
- Consider the Practice's offer(s) of resolution and either accept or reject it.
- If the Client rejects the offer, and all negotiations are unsuccessful, submit a written formal complaint.
- Consider the Practice's written offer(s) of resolution and either accept or reject it.
- Arrange for Mediation (ADR) and consider the Mediator's advice to conclude the matter.

[mediation is not compulsory but the Courts will ask for an explanation if not attempted]
- If still unsatisfied, initiate a Civil Claim for Personal Injury and / or Professional Negligence.