



POLICY

COMPLAINTS

Approved by:	Board of Trustees
---------------------	-------------------

Valid from:	December 2014
--------------------	---------------

Valid until:	December 2017
---------------------	---------------

Reviewed by:	HR Advisor
---------------------	------------

This policy / procedure was developed and approved by **Tayside Council on Alcohol** for internal use only.

It is believed to be an accurate reflection of the legislation and other relevant regulatory requirements at the time it was approved.

It should not be incorporated into or used by other organisations without permission.

This document is uncontrolled when printed.

COMPLAINTS

Introduction

For the purposes of this policy, a complaint is defined as:

“an expression of dissatisfaction, however made, about the standard or quality of service, action or lack of action by Tayside Council on Alcohol (“TCA”) or its staff or volunteers, which has affected an individual or group of individuals in receipt of a service provided by TCA.”

Scope

This policy and procedure relates to all services provided by TCA.

Complaints can be made by any of the following:

- child or young person or adult;
- a family member, friend or guardian;
- a concerned member of the public;
- any individual or organisation with a legitimate interest/concern regarding TCA and/or its staff or volunteers

Any complaint or allegation which indicates possible or actual abuse of a child, young person or vulnerable adult will be dealt with via TCA’s Child Protection or Protection of Vulnerable Adults Policies.

Principles

When responding to a complaint we will adhere to the following principles:

- a) Those who complain will be given a clear response to their complaint within clearly defined timescales and in a sensitive and sympathetic manner.
- b) We will use the evaluation of complaints to improve our service delivery.
- c) Complaints will be well managed, objective and aimed at resolving problems as soon as possible in a manner which respects confidentiality and privacy.
- d) An independent advocate who is not employed by or otherwise connected with TCA will be suggested to support any child, young person or vulnerable adult with the complaint. Children or young people may wish to select their own advocate, or approach organisations that provide such services, for example, *Who Cares*.
- e) The complainant will not be discriminated against for making a complaint.

COMPLAINTS

The Complaints Procedure

Normally complaints should be lodged at the earliest stage within the complaints procedure and then proceed, as appropriate, by way of appeal through the stages.

TCA's Complaint Procedure encompasses the following stages:

- **Informal – Individual member of staff delivering the service**
This stage may be used to advise a member of staff of a particular problem allowing them to resolve the matter first hand. The member of staff should respond to the complaint within 3 working days.
- **Stage One – Manager responsible for the service**
This stage formalises the complaint and provides the manager with an opportunity of resolving the matter locally. The manager will acknowledge a complaint within 5 working days and respond to it within 20 working days.
- **Stage Two – Director of TCA**
This stage involves the Director of TCA who is ultimately responsible for the service or function. The Director will acknowledge the complaint within 5 working days of receipt and respond to the complainant again within 20 working days to advise of the outcome. This stage provides an opportunity for the Director to review the action taken to date and the decision reached. It also provides an opportunity for first time complaints of a serious nature to be heard at a senior management level.
- **Stage Three – Board Members**
This is the final internal stage and is aimed at providing an opportunity for complainants to have their complaint heard by the Board members where:
 - The complainant seeks a final internal appeal of an earlier decision;
 - The complaint is a policy or resource issue normally handled by the Board;
 - The complaint is about misconduct by senior management level staff.

The Chair or Vice Chair shall select those Board Members who are to hear the appeal. The Director of TCA will normally act as advisor to the Board members. If the complaint is against the Director of TCA the Chair or Vice Chair shall personally co-ordinate this stage, taking whatever advice is deemed appropriate, perhaps from an external adviser.

The Director of TCA will acknowledge the complaint within 5 working days of receipt and respond, on behalf of the Board members, within 20 working days to advise of the outcome.

Where a complaint is made and the person receiving the complaint has no authority to deal with it, he/she shall refer the complaint to the appropriate stage and advise the complainant accordingly.

COMPLAINTS

External bodies to which complainants may refer their complaints

Dundee City Council
Angus Council
Perth & Kinross Council
Dundee ADP
Angus ADP
Perth & Kinross ADP

Extending response timescales

Complaints of a more complex nature may take longer than the specified time limits to investigate. If this is the case, the complainant will be informed of the reasons why the timescales cannot be met and when they can expect to receive a full response.

Complaints involving more than one service

Generally, complaints involving more than one service will be dealt with by the service receiving the complaint. This service will co-ordinate and agree a response on behalf of all the services concerned.

Complaints against the Director of TCA

Any complaint against the Director of TCA would be referred to the Board of Trustees. The Board will determine the most appropriate means of investigation and resolution based on the type and content of the complaint. The procedures and timescales for such complaint will be determined by the Board.

Anonymous complaints

Complaints made anonymously will be given consideration and dealt with as appropriate, dependent on the information available. Where a verbal complaint is made, the complainant will be given the assurance that concerns will be dealt with as confidentially as possible.

Unacceptable actions by complainants

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint, however TCA will not tolerate abusive behaviour towards staff, verbal or otherwise.

A complainant may be deemed to be acting in an unacceptable manner if, for example:

- they are abusive to TCA staff;
- they persistently make the same complaint, despite it having been fully investigated under the complaints procedure, or seek an unrealistic outcome and intend to persist until the outcome is achieved;

COMPLAINTS

- they complain about an historical complaint that cannot be undone or remedied;
- they repeatedly change aspects of the complaint or the desired outcome part way through an investigation or after a formal response has been sent.

When staff handling a complaint considers the complainant's behaviour is unacceptable, they should refer the complaint to the Director of TCA (or Board of Trustees where the complaint relates to the Director of TCA) who will determine if this is the case. Such complaints will not be considered. However, the receipt and rejection of the complaint including the reason(s) for the rejection will be recorded by the Director of TCA (or Board of Trustees where the complaint relates to the Director of TCA).

Monitoring

The Joint HR/Finance Committee will be responsible for ensuring that timescales are met for each stage of the procedures, for maintaining adequate records and for recording and reporting the following information:

- Name and contact details of the complainant
- Details of complainants
- Tracking/progress information
- Resolution information
- Number of complaints which also include a racist incident
- Number of complaints which also contain an allegation of discrimination

The information will be used to provide management information to monitor performance, highlight areas of service and feed into the process for identifying areas for improvement. The information will be reported to a range of key stakeholders, including TCA's Board of Trustees, management team, funding bodies and service level agreement partners.

Informing the public and staff

The complaints procedure will be publicised through leaflets and the TCA website. All staff and volunteers will be made aware of the complaints procedure as part of their induction. All service users, their families and significant others should be advised of the complaints procedure.

Relevant legislation

There are a number of key areas of legislation that TCA will adhere to in the course of dealing with complaints:

Data Protection

The Data Protection Act 1998 provides protection for personal information which affects someone's privacy, and gives individuals the right to access information held about them, and to correct wrong information held about them.

COMPLAINTS

TCA will ensure that the principles of the Data Protection Act are adhered to and that all personal information provided by complainants will only be held by TCA and shared with other TCA services where necessary.

Human Rights

The Human Rights Act 1998 states that public authorities must act compatibly with European Convention on Human Rights and should interpret the legislation and regulations with which we work, so far as is possible, in a way which is compatible with Convention rights. TCA's procedure reflects some of the main principles of the European Convention of Human Rights by:

- providing a fair and accessible procedure;
- providing a three stage process, with review by the Director of TCA;
- providing for disclosure of relevant information to all parties;
- reflecting TCA's equal opportunities policy by seeking to ensure that no person is the subject of discrimination

Freedom of Information

The Freedom of Information (Scotland) Act 2002 gives people the right to access information held by Scottish public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. TCA is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

Equality Act 2010

The Equality & Human Rights Commission (EHRC) derives its powers from the Equality Act 2006, which resulted from the government white paper, *Fairness for All: A New Commission for Equality and Human Rights* Section 3 states the EHRC has a general duty to work towards the development of a society where equality and rights are rooted. This is taken to mean,

- (a) people's ability to achieve their potential is not limited by prejudice or discrimination,
- (b) there is respect for and protection of each individual's human rights (including respect for the dignity and worth of each individual),
- (c) each person has an equal opportunity to participate in society, and
- (d) there is mutual respect between communities based on understanding and valuing of diversity and on shared respect for equality and human rights.

Review

The complaints procedure will be subject to regular review and approval by the Board of Trustees.