



...turning the corner on alcohol...

POLICY

Complaints

Approved by:

Board of Trustees

Valid from: April 2017

Valid until: April 2020

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.

TCA Mission Statement

“TCA Support people who are affected by alcohol and other substances to lead healthy productive lives”

Directors Foreword

Our complaints handling procedure reflects TCA's commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case. This procedure has been developed specifically for our services, so that staff have all the information they need to handle complaints effectively. The procedural elements tie in very closely with those of the Local Authority and National Health Service complaints handling procedures, so where complaints cut across services, they can still be handled in much the same way as other complaints. As far as is possible we have produced a standard approach to handling complaints which complies with the SPSO's guidance on a model complaints handling procedure.

This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff. Good complaints handling includes providing joint responses to complaints whenever they relate to more than one service. This procedure gives our staff information and guidance on how and when to do this, to ensure that our customers get a comprehensive response to their complaints whenever this is possible.

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

Resolving complaints early creates better customer relations. Handling complaints close to the point of service delivery means we can resolve them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload and are more costly to administer.

The complaints handling procedure will help us do our job better, improve relationships with our customers and enhance public perception of TCA. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from 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.”

Any complaints about other services will be handled under TCA's standard complaints handling procedure (CHP). A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure of administrative processes
- delays in service provision
- treatment by or attitude of a member of staff
- disagreement with a decision made in relation to the services TCA provides.

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
- anyone who lives in close proximity to a service provision, such as TCA premises

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.

General Principles when a Complaint is received

Parameters

1. On receiving a complaint, you must first decide whether the issue can be defined as a complaint. The customer may express dissatisfaction about more than one issue.

This may mean you treat one part as a complaint, while directing the customer to pursue another part through an alternative route

2 If you have received and identified a complaint, record the details on our complaints system at the earliest opportunity. The date of receipt of the complaint is always 'day 1', regardless of when the complaint is recorded.

3 Decide whether or not the complaint is suitable for frontline resolution. Some complaints will need more extensive investigation before you can give the customer a suitable response. You must escalate these complaints immediately to the investigation stage.

4 Where you think frontline resolution is appropriate, you must consider four key questions:

- what exactly is the customer's complaint (or complaints)?
- what does the customer want to achieve by complaining?
- can I achieve this, or explain why not?
- if I cannot resolve this, who can help with frontline resolution?

What exactly is the customer's complaint (or complaints)?

It is important to be clear about exactly what the customer is complaining about. You may need to ask the customer for more information and probe further to get a full understanding.

What does the customer want to achieve by complaining?

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, and you may need to probe further to find out what they expect, and whether they can be satisfied.

Can I achieve this, or explain why not?

If you can achieve the expected outcome, for example, by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject:

The customer may expect more than TCA can provide. If so, you must tell them as soon as possible. You are likely to have to convey the decision face-to-face or on the telephone. If you do so face-to-face or by telephone, you are not required to write to the customer as well, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and given to the customer.

Time limit for making complaints

This CHP sets a time limit of six months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time. We will apply this time limit with discretion. In making decisions we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

Roles and Responsibilities

Overall responsibility and accountability for the management of complaints lies with The Board and senior management.

TCA's final position on the complaint must be signed off by an appropriate senior officer and will confirm that this is our final response. This ensures that TCA's senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

The Director provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive.

The Director may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the Director of the quality of complaints performance.

Operations Manager may be involved in the operational investigation and management of complaints handling. As a senior manager they may be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Complaints investigator: The complaints investigator is responsible and accountable for the management of the investigation. They will be involved in the

investigation and in co-ordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

All of the organisation's staff: A complaint may be made to any member of staff in TCA. All staff must therefore be aware of the complaints handling procedure and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, to prevent escalation.

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. If the complaint cannot be resolved the complaint will be automatically escalated by the member of staff to the manager who will then undertake Formal Stage 1 below.
- **Formal Stage One – Investigation by 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.
- **Formal Stage Two – Review and Investigation by 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.
- **Formal 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.

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. If an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. 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;
- 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).

Recording complaints

To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the
- frontline resolution stage (where appropriate)
- the date the complaint was escalated to
- the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage, and the underlying cause of the complaint and any remedial action taken.

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 analysing and reporting key information obtained via complaints procedure documentation:

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.

Complaints relevant to other agencies

Customers may raise concerns about issues which cannot be handled through this CHP, but which other agencies may be able to provide assistance with or may have an interest in.

This may include:

The Mental Welfare Commission:
 Email: enquiries@mwscot.org.uk
 Tel: **0800 389 6809**
 (service users and carers only)
 Website: www.mwscot.org.uk

The Children's Commissioner:
 Email: inbox@cypcs.org.uk
 Tel: **0800 019 1179**
 Website: www.cypcs.org.uk

The Scottish Social Services Council:
 Email: **via their website**
 Tel: **0345 60 30 891**
 Website: www.sssc.uk.com

Customers may also raise concerns that information has not been provided in line with information sharing and data protection legislation, in which case they should be signposted to The Data Protection Officer, TCA.

Any correspondence they have received from The Data Protection Officer will also specify the next steps to take if there are ongoing concerns, including signposting to the Information Commissioners Office:

Email: scotland@ico.org.uk

Tel: **0131 244 9001**

Website: www.ico.org.uk

Maintaining confidentiality

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information.

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 and Information Security

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.

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.

Please refer to the Data Protection and Information Security Policies for more detailed information in this area.

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.

COSCA (Counselling and Psychotherapy in Scotland)

Tayside Council on Alcohol are a current member of the above organisation and reference is made to the COSCA Complaints Procedure which has been used as a guide when compiling this TCA Policy

Review

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