

# THE DONALDSON TRUST

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## **Complaints Policy & Procedure**

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## Document control

### Author

Job title	Role	Date
<b>Head of Resource &amp; Strategy</b>	Author	January 2018
<b>CEO</b>	Reviewer	June 2018
<b>Board</b>	Approver	July 2018

### Version

Version	Date	Author	Amend
<b>1</b>	January 2018	Head of Resource & Strategy	New Version
<b>2</b>	March 2018	Head of Resource & Strategy	Updated
<b>3</b>	June 2018	Head of Resource & Strategy	Final

## Introduction

The purpose of the Policy is to ensure that all those who engage with Donaldson's can raise concerns regarding any part of their service provision or experience and receive feedback on the issues raised.

Upon receipt of a complaint, our policy is to be:

- Positive, constructive and consistent;
- Fair, impartial and confidential to those involved;
- Prompt and time limited;
- Clear and easy to understand;
- Monitored and evaluated;
- Focused on positive outcomes.

Our aim is to enable concerns to be raised and for these to be expressed as openly as possible. This will ensure concerns are addressed at the appropriate level and where possible to prevent escalation into more serious disputes. Complaints will be received in an open and transparent manner and seen as an opportunity to improve our service and experience. We anticipate that the majority of concerns raised will be capable of resolution "at the lowest possible level". If resolution at that level cannot be achieved the concerns are escalated to the Senior Management Team.

Procedures are in place to ensure those wanting to make a complaint can do so.

Complaints of a serious nature should be made directly to the Chief Executive Officer.

## What is a Complaint?

Any expression of dissatisfaction you may make, about the standard of service, actions or lack of action by Donaldson's or its staff will normally be regarded as a complaint.

Complaints may be made verbally or in writing, in person, by telephone, e-mail, fax or letter.

Reporting a fault or a problem, or making a suggestion to improve services, is not necessarily a complaint but may be simply a request for service or a suggestion. Suggestions for improving services can be made through the website or by completing a suggestions and bright ideas postcard, available at Reception.

## Who can Complain?

Anyone dissatisfied with the service provided or anyone who has any concern regarding The Donaldson Trust can make a complaint.

The Trust takes all complaints seriously including anonymous complaints. If however we do not have sufficient details we may not be able to investigate further. However, we may investigate them particularly where the welfare of vulnerable people is concerned. Should such an investigation be undertaken we

would be doing so out with this Policy with no obligation to disclose the outcome to anyone.

## Scope of this Complaints Policy

The following do not fall within the scope of this policy in relation to an individual member of staff:

- Any disciplinary process or grievance;
- Dealings with a professional regulator (e.g. GTC Scotland);
- Outside Agencies (e.g. Education Scotland);
- Other parties including contractors.

Complaints from staff or volunteers will be dealt with through our Grievance procedure.

## Rights of Complainant

**You** have the right to:

1. Have a friend or other representative help you with your complaint during stage 3 – Appeal.
2. Confidentiality, as far as possible we will maintain the confidentiality of your complaint. However if it involves the safety and wellbeing of a child or young person and is a direct complaint against a member of staff, we may not be able to do so. If this is the case you will be clearly informed of this at the outset.
3. Be kept informed of the progress of your complaint.
4. Receive an apology from us if your complaint is upheld.
5. Be informed of any changes to our service that may arise from your complaint.

**Our Staff** have the right to be treated with respect and courtesy at all times.

The safety of everybody, and in particular the safety and wellbeing of children and young people, is paramount. We always reserve the right to refer any issues or possible criminal behaviour arising at any time or stage, to the appropriate agency, such as Education Scotland, Care Inspectorate, Local Authorities, Protection Agencies or the Police.

## How to Complain

Complaints may be made verbally or in writing, in person, by telephone, e-mail, fax or letter to any member of our staff. Complaints need not be made to the service that is the subject of the complaint. Any member of staff is able to receive a complaint. Our aim is to resolve complaints as near to the situation as possible.

Further information on how to complain and the complaints procedure is provided in section below.

## Complaints Procedure

**Stage 1 - Complaint reported to any member of staff.**

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Complainants should try and have their complaint dealt with in an informal manner first. Concerns can be raised with any member of staff who will discuss these with you and attempt to find a satisfactory resolution. If this does not resolve the issue the complaint is moved to Stage 2.

If you believe the issues to be sufficiently serious in nature you can choose to move immediately to stage 2.

Staff dealing with the complaint at Stage 1 must inform their line manager of the complaint. The line manager will report all complaints to the Senior Management Team.

However, where the complaint is in regard to the Chief Executive, the complaint should be made directly to the chair of the Board.

### **Stage 2 – Complaint reported to Senior Management Team**

If you are dissatisfied with the response received following the Stage 1 process or if the complaint is of a serious nature you should contact a member of the Senior Management Team.

The Senior Management Team member receiving the complaint will appoint an investigating officer and you will be given or sent a letter or an email within 3 working days of receiving your complaint. The letter/ email will set out your complaint, saying when and where it was made, who you spoke to and who will be responsible for handling the complaint. It will also state the date by which a response can be expected - you will be informed of the investigation outcome and any subsequent action within 20 working days. If we get any of that wrong in our letter/ e-mail, please let us know as soon as possible. Wherever possible and appropriate, we may ask you for more information about the nature of the complaint and whether there are actions that you suggest we might take to improve the service or prevent re-occurrence of the problem.

### **Outcomes of Stage 2**

The decision maker must provide reasons for his/ her decisions and can:

- a) Dismiss the complaint in whole or in part;
- b) Uphold the complaint in whole or in part;
- c) Decide on the appropriate action to be taken to resolve the complaint;
- d) Recommend changes to the organisation's systems and procedures to ensure that problems of a similar nature do not re-occur.

Should this not resolve the issue to your satisfaction you can proceed to Stage 3.

### **Stage 3 – Appeal**

All Appeals will be heard by an independent member of the Senior Management Team. While the Appeal is the final stage in the complaints process, complaints of a serious nature may be referred by the Senior Management Team to the Board of Trustees.

At Appeal stage the investigation Outcome will be reviewed in terms of the decision maker at the previous stage having either:

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- a) Failed to act in accordance with this policy (or other organisation policy)  
Or
- b) Made an error in fact or misinterpreted the facts in a way which has had a significant impact on the decision made.

The complainant will be required to complete a written submission setting out the reasons for Appeal (see (a) and (b) above).

The chair of the appeal will ask for information from Stage 2 in order to reach a final outcome.

### **Outcomes of Appeal**

The decision maker must provide reasons for his/ her decisions and can:

1. Dismiss the complaint in whole or in part;
2. Uphold the complaint in whole or in part;
3. Order that the complaint be re-examined afresh either in whole or in part.

## **Vexatious Complaints**

If your complaint has been found to be vexatious (not made with good intent) the Trust will close the complaint and advise of the reasons for this decision. External mediation may be offered in order to agree effective ways of engaging in the future.

## **Final Remedy**

If the final outcome results in us agreeing that your complaint points to services having been below standard, to actions taken that were not appropriate to our service or lack of action or neglect by the organisation, you can expect that, in our letter, we will apologise to you and let you know the actions we are taking to rectify the situation.

## **Central Contact Information**

If your complaint is not about a specific service or you are unsure where to start, you should contact:

FAO: The CEO: The Donaldson Trust, Preston Road, Linlithgow West Lothian EH49 6HZ; E-mail: [info@donaldsons.org.uk](mailto:info@donaldsons.org.uk); Tel: 01506 841900

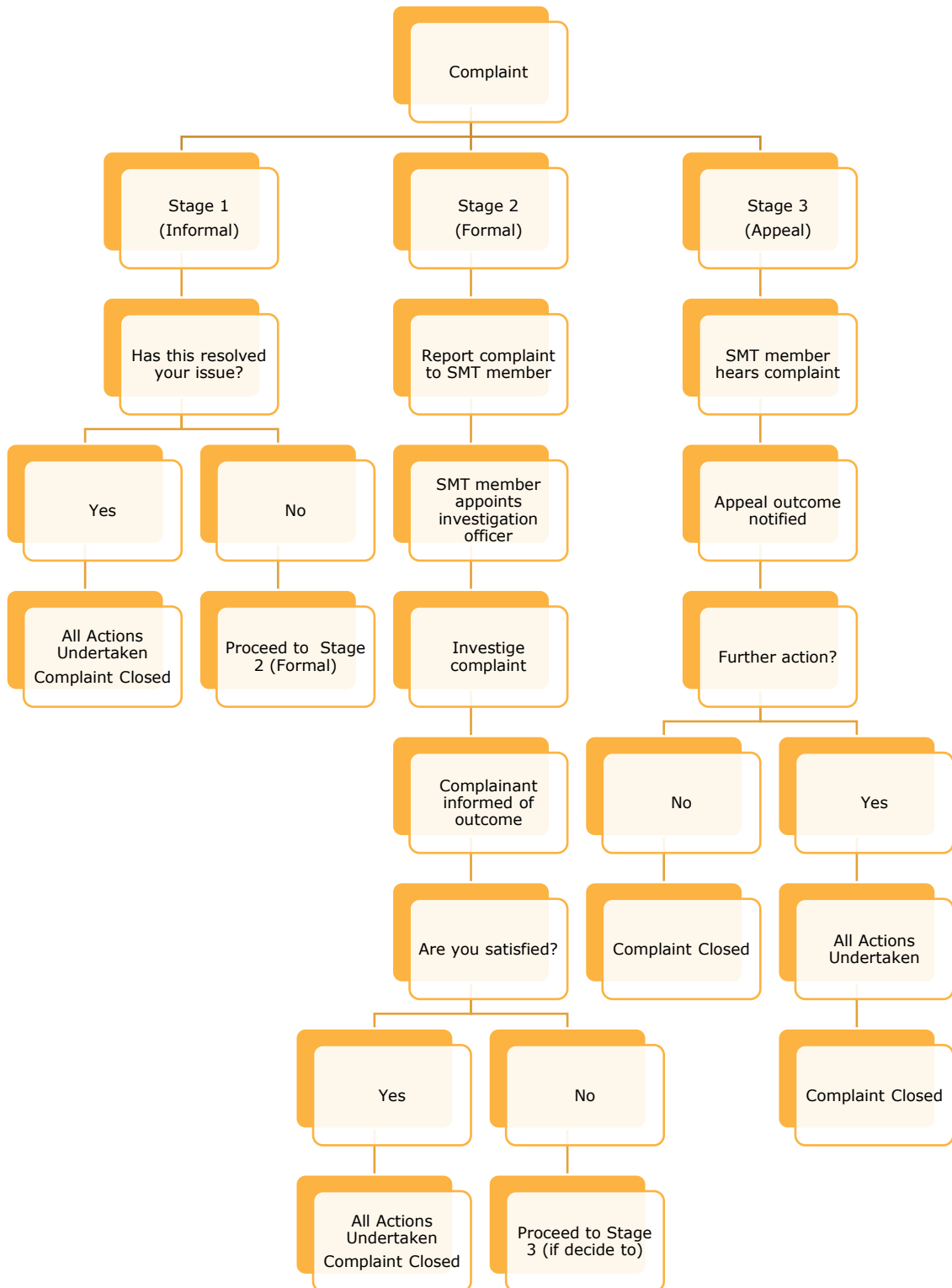
## **Complaints to our Regulators**

If your complaint is about one of our regulated services, you have the right to complain directly to the Care Inspectorate. The contact details are:

- **The Care Inspectorate**, Stuart House, Eskmill, Musselburgh, EH21 7BP; Tel: 0131 653 4100. Enquiries: 0845 603 0890 (lo call); Website: [www.careinspectorate.com](http://www.careinspectorate.com)

If our work with you is under an arrangement with a local authority, you may also complain to the referring Authority.

# Appendix 1 – Complaints Flowchart





## Document approval

The Head of Resource & Strategy is the owner of this policy and is responsible for ensuring its review.

The CEO has responsibility for reviewing this policy.

The Board has responsibility for approving this policy.

This policy is reviewed and approved on a version-controlled basis.

This policy is available to all staff.

<b>Signature</b>	<i>Board of Trustees</i>
<b>Name</b>	Board of Trustees
<b>Date</b>	July 2018