

Carolina

HOUSE TRUST

POLICY

Complaints Policy

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Approved by	Heads of Service
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This policy/procedure was developed and approved by Carolina House Trust.

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.

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1. Introduction

A complaint is defined as:

“an expression for dissatisfaction, however made, about the standard or quality of service, action or lack of action by Carolina House Trust or its staff, carers or volunteers, which has affected an individual or group of individuals in receipt of a service provided by Carolina House Trust.”

2. Scope

This policy and procedure relates to all services provided by Carolina House Trust.

Complaints can be made by any of the following:

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

Any complaint or allegation which indicates possible or actual abuse of a child or young person/adult will be dealt with via Carolina House Trust’s Child Protection or Adult Protection Policies.

3. 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) The child or young person’s placing authority will be informed.
- e) An independent advocate who is not employed by or otherwise connected with Carolina House Trust will be suggested to support the child or young person 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*.
- f) The complainant will not be discriminated against for making a complaint.

4. 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.

Carolina House Trust's Complaint Procedure involves 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 – Head of Service**
This stage involves the Head of Service who is responsible for the service or function. The Head of Service 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 Head of Service 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 of Trustees**
This is the final internal stage and is aimed at providing an opportunity for complainants to have their complaint heard by a member of the Board of Trustees 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 relevant Head of Service will normally act as advisor to the Board members. If the complaint is against the relevant Head Service, the Chair or Vice Chair shall personally co-ordinate this stage, taking whatever advice is deemed appropriate.

The relevant Head of Service 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.

If an employee receives a complaint, he/she shall refer the complaint to their line manager and advise the complainant accordingly.

5. External bodies to whom complainants may refer their complaints

Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY

Tel: 0345 600 9527

Or online at: <http://www.careinspectorate.com/index.php/complaints>

6. 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.

7. 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.

8. Complaints against a Head of Service

Any complaint against a Head of Service 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 of Trustees.

9. 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 confidentiality as possible.

10. 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 the Trust 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 Carolina House Trust 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 relevant Head of Service 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 relevant Head of Service.

11. Monitoring

The Heads of Service 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 Carolina House Trust's Management Team, key staff and the Care Inspectorate.

12. Informing the public and staff

The complaints procedure will be publicised through leaflets and Carolina House Trust's website. All staff will be made aware of the complaints procedure as part of their Induction. All young people, their families and significant others should be advised of the complaints procedure.

13. Complaints Register

A complaints register is in place so that all complaints can be monitored

14. Relevant legislation

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

Data Protection

The Data Protection Act 1998 and General Data Protection Regulation 2018 provide 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.

Carolina House Trust 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 the organisation and shared with other internal 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. Carolina House Trust'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 Chief Executive;
- providing for disclosure of relevant information to all parties;
- reflecting the organization'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. Carolina House Trust 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.

15. Policy Review

Management has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.