

**Shetland Women’s Aid Complaints Policy & Procedure**

**1 Policy Statement**

Shetland Women’s Aid delivers services to women, children and young people who are experiencing domestic abuse.

Shetland Women’s Aid aims to provide a high-quality standard of service. If we fail to do this, it is important that we know about it.

This policy and procedure will provide an effective and transparent way of dealing with complaints. It recognises that the most successful organisations are those that have moved towards a culture that perceives complaints as an opportunity to improve quality of services.

Shetland Women’s Aid will demonstrate both fairness and openness in the way it deals with complaints and show that it is prepared to listen to its stakeholders.

**2 Policy Aims**

A complaint may be defined as, “an expression of dissatisfaction about the standard or quality of service, action or lack of action by Shetland Women’s Aid or its staff, affecting an individual or a group of individuals who receive a service provided by Shetland Women’s Aid.”

Shetland Women’s Aid aims to investigate and address all complaints to continually improve the quality of our service.

Shetland Women’s Aid aims to:

* take complaints seriously and offering those who complain a clear response to their complaint within defined time limits.
* improve services by providing an opportunity to amend, reflect on and improve the services provided by Shetland Women’s Aid.
* ensure that the Shetland Women’s Aid Complaints Procedure will be easily understood and straightforward to use and will accept either spoken or written complaints.
* ensure that the Shetland Women’s Aid Complaints Procedure will be well-managed, fair, and objective, aimed at resolving problems as quickly as possible and in a manner, which respects confidentiality and privacy.

**3.1 Employer’s Responsibilities**

Shetland Women’s Aid is responsible for:

* ensuring that all employees are aware of and adhere to this policy and complaints procedure.
* providing clear and accessible information to service users on the complaints policy and procedure.
* providing easily available information on how service users can make a complaint to the Care inspectorate.
* ensuring that employees access the appropriate level of training to support the implementation of this policy and procedure.
* managing complaints within the agreed procedures and timescales.
* recording complaints and actions taken.
* monitoring and reviewing complaints so that the organisation can improve practice.
* complaints will be disposed of in line with current GDPR policies and procedures.
	1. **Employees’ Responsibilities**

All employees are responsible for:

* ensuring that they understand and comply with this policy and procedure.
* learning from complaints which have arisen and striving to improve delivery of the service.
* Using other policies and procedures to make internal complaint, which cannot be addressed informally. See 4.1 for further information.

**Complaints in practice**

**4 Difference between complaints and whistleblowing**

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| 4.1.1 | *Complaint*The individual reporting the issue is personally affected by the matter of concern, and it is in respect to receiving poor treatment within Shetland Women’s Aid. There is a vested interest in the matter of concern. |
| 4.1.2 | *Whistleblowing*The individual reporting the issue is not personally affected by the matter of concern, but rather holds concern for its impact on others in the workplace or beyond, as a matter of public interest. There is no vested interest in the matter of concern, or the concern reaches *beyond* the individual’s own vested interest.When the matter of concern is not limited to an individual’s own personal experience and in the public interest needs to be handled in a different way, stakeholders should use the provisions of the Whistleblowing Procedure when appropriate. See Appendix 8.3 for further information.Examples may be:* mistreatment or abuse of service users.
* danger to the health and safety of any individual.
* damage to the environment.
* a criminal offence.
* fraud, corruption, or dishonesty.
* financial maladministration.
* breaches of law or any statutory code of practice.
* any attempt to cover up information relating to any of the above.

(*This list is not exhaustive*) |

**5 Equality and Diversity**

Shetland Women’s Aid Equality and Diversity Policy sets out Shetland Women’s Aid commitment to prevent unequal treatment and discrimination.

Shetland Women’s Aid values the diversity of its workers and the contribution that each worker makes to the organisation and will work to ensure that discrimination does not take place when implementing its Complaints Policy and Procedure.

**6 Breach of policy**

6.1 Service Delivery

This Complaints Policy and Procedure offers the framework for dealing with problems arising in service delivery. Where there are concerns about a breach of this policy or in cases where it is in the public interest, service users may also refer to the Shetland Women’s Aid Whistleblowing Policy and Procedure.

6.2 Employment

Shetland Women’s Aid employees who feel that this policy has been breached should raise this in the first instance with their manager If an employee does not feel the issue has been dealt with to their satisfaction it can be dealt with formally under Shetland Women’s Aid Grievance Procedure.

**7 Training and Information**

All workers of Shetland Women's Aid will receive a copy of the Complaints Policy and Procedure and their role in implementing the policy will be fully explained. Shetland Women's Aid, in the implementation of this policy, will identify any training requirements for workers.

Shetland Women's Aid Complaints Policy and Procedures will form part of the induction programme for all new workers.

**8 Monitoring and Review**

Shetland Women's Aid recognises that genuine resolution of complaints can only be achieved by monitoring and assessing the use of this policy and procedure and then using this information to modify and improve our future action plans and provisions.

Shetland Women's Aid will monitor complaints against specific targets set within the Shetland Women's Aid complaints Action Plan.

Shetland Women's Aid will monitor and review this policy every three yearsand/or when there are relevant changes in legislation or circumstances.

**9 Appendices**

9.1 Legislative and Regulatory Framework

Shetland Women's Aid aims to comply with all legislation and codes of practice related to the handling of complaints.

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| **Related legislation** **and codes of practice** |  |
| Scottish Womens Aid National Service Standards  | Under Review contact <https://womensaid.scot/> |
| SSSC Codes of Practice  | <https://www.sssc.uk.com/the-scottish-social-services-council/sssc-codes-of-practice/> |
| Adult Support and Protection revised Code of Practice  | <https://www.gov.scot/publications/adult-support-and-protection-revised-code-of-practice/pages/16/> |
| Child Protection  | <https://www.gov.scot/policies/child-protection/> |
| OSCR Scottish Charity Regulator  | <https://www.oscr.org.uk/> |
| Health and Social Care Standards: my support, my life | <https://www.gov.scot/publications/health-social-care-standards-support-life/> |
| Public Services Reform (Scotland) Act 2010 | <https://www.legislation.gov.uk/asp/2010/8/contents> |

 9.2 Related internal policies and procedures

* Disciplinary
* Grievance
* Whistleblowing

9.3 Definition of whistleblowing: further information

The following excerpt is from *Public Concern at Work: Frequently Asked Questions*

http://www.pcaw.org.uk/faq-answers#complaintandwhistleblowing

*What is the difference between making a complaint and blowing the whistle?*

*When someone blows the whistle, they are raising a concern about danger or illegality that affects others (e.g., customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistle-blower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistle-blower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.*

*This is very different from a complaint. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying, and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and, for this reason, is expected to be able to prove their case.*

**Shetland Women’s Aid Complaints Procedure**

**1 Introduction**

Shetland Women’s Aid Complaints Procedure sets out how service users can make a complaint about the service they have received.

A complaint can be about any aspect of the service, for example:

* avoidable delay, poor quality service or lack of service.
* unfairness, bias, or prejudice in the way services are provided.
* the attitude or approach of staff.

**2 How to make a complaint**

A complaint can be made in the following ways:

* informally, e.g., in person, by telephone or text.
* formally, e.g., by letter or by email.

A complainant has the right to make a formal complaint if they wish to do so. However, it is often quicker and easier if the problem can be resolved informally.

When someone wishes to register a complaint, the steps below should be followed.

2.1 Stage 1: informal resolution

This stage may be used to advise a member of staff of a particular problem, allowing them to resolve the matter informally

The complaint can be made in person, by text or by phone call. The member of staff being informed in the first instance of the complaint will take an accurate note of the details and of the solution being sought and will aim to let the person know when the matter will be pursued. If the complaint cannot be resolved immediately, the worker will inform the service user of the subsequent action to be taken.

*Time limit*

Informal complaints will be acknowledged within 3 working days and the complainant advised of the outcome within 10 working days.

2.2 Stage 2: formal resolution

If the complainant remains dissatisfied or does not want to involve the worker directly responsible for the service, then a complaint should be made in writing *to the manager* at Shetland Women’s Aid, marked Private and Confidential.

A complaints form is also available from Shetland Women’s Aid which can be used to detail the complaint (see Appendix 1)

A formal complaint should provide as much information as possible about what the problem is and how the complainant would like to see it resolved.

Shetland Women’s Aid will then investigate the complaint and attempt to resolve it.

Shetland Women’s Aid will write to the complainant summarising what investigations have been carried out and what action, if any, is proposed to resolve the matter. A copy of this letter should be attached to the complaint form.

*Time Limit*

All formal complaints will be acknowledged in writing within 3 working days. Shetland Women’s Aid will respond to the complainant following an investigation of the complaint within 10 working days of the complaint being received. Where it is not possible to complete an investigation of a complaint within this time limit Shetland Women’s Aid will write to the complainant to advise them of an alternative timescale.

2.3 Stage 3: appealing the decision

If the complainant does not feel that Shetland Women’s Aid has resolved the complaint satisfactorily, they should write to the Appeals Panel of Shetland Women’s Aid.

Themanager will provide the Appeals Panel with all previous written correspondence and information in connection with the complaint.

The Appeals Panel (maximum 3, minimum 2 people) will also contact any staff member(s) if a complaint concerns them.
The Appeals Panel will decide whether this is a service wholly or mainly funded by the Shetland Islands Council. If it is such a service, then the complainant shall be advised that the appeal process shall be handled by Shetland Islands Council and that Shetland Women's Aid will provide all previous written correspondence and information in connection with the complaint to Shetland Islands Council as part of the process. (Appendix 3) The complainant will be referred to Shetland Islands Council Complaint's procedure and be asked to confirm that they wish to proceed (https://www.shetland.gov.uk/contact-us/make-complaint). On receipt of the complainant's consent to continue Shetland Women's Aid shall advise Shetland Islands Council of the complaint and provide the information held in connection with the complaint.

For services not wholly or mainly funded by Shetland Islands Council, Shetland Women's Aid Appeals Panel will be the final internal step in the complaints procedure. The Chair of the Board of Trustees, or in her absence, the Vice chair, shall select three members of the Board to comprise the Appeals Panel. The manager shall provide the Appeals Panel with all previous written correspondence and information in connection with the complaint and the Appeals Panel shall carry out such further investigations as they think fit, for example, interviewing staff, seeking clarification from any party, or holding a hearing.

The Appeals Panelwill review the decision made at Stage 2 and may seek further clarification from any of the parties involved.

The panel's decision will be final. The Chair of the Appeals Panel is responsible for ensuring records of the panel’s meeting are kept and the complaints monitoring form is completed.
 *Time Limit*

The Chair of the Appeals Panel will acknowledge receipt of the letter within 3 working days. The Appeals Panel will notify the complainant of its decisions and reasons within 28 days of having received notice of the complaint.

**3 Making a complaint to the Care Inspectorate**

If the complaint concerns a service that is registered with the Care Inspectorate, the service user may complain directly to them. The Care Inspectorate has its own Complaints Procedure which is outlined fully in their publication “Procedure for handling complaints” (see Appendix 9.1 below.)

**4 Independent advice**

Before deciding to make a formal complaint, the complainant may wish to get independent advice. This can be obtained for example from Citizens Advice Bureaux (see Appendix 9.1) or local solicitors.

**5 Confidentiality**

All complaints are treated confidentially.

Only those dealing with complaints (and those staff member(s) involved, if indeed any staff member(s) have been cited as a subject of the complaint) will be aware that a complaint has been received and is being dealt with.

Anonymous requests will be acted upon; however, it is better to provide contact details so that the complainant can be informed of the outcome.

**6 Vexatious complaints**

Women’s Aid wants to deal fairly and honestly with complainants and ensure that other Shetland service users, staff, or the organisation do not suffer detriment from persons making aggressive and/or obsessive complaints. Shetland Women’s Aid’s solicitor will write to vexatious complainants to inform them that their behaviour is unacceptable.

**7 Recording and monitoring complaints**

All complaints will be noted on record and kept on file by Shetland Women’s Aid, including those which were made verbally and resolved informally. Storage of records will follow the Shetland Women’s Aid Data Protection Policy and Procedure.

**8 Publicising the procedure**

Shetland Women’s Aid will provide information on the Complaints Policy and Procedure to all users of its services.

Service users can use the following materials for information and to make a formal complaint:

* Shetland Women’s Aid complaints information leaflet (see Appendix 1)
* Shetland Women’s Aid complaints form (see Appendix 1)
* Shetland Women’s Aid complaints information leaflet for children and young people (see Appendix 2)
* Shetland Women’s Aid complaints form for children and young people (see Appendix 2)

Information on the Complaints Policy and Procedure will also be displayed on notice boards in the office or other premises.

Full copies of the policy and procedure will be available on request from Shetland Women’s Aid.

**9 Appendices**

Appendix 9.1 Further resources

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| Care Inspectorate: complaints  | <https://www.careinspectorate.com/index.php/complaints> |
|  Care Inspectorate: Procedure for handling complaints | <https://www.careinspectorate.com/index.php/complaints/10-organisation/6280-5-pathways-for-complaints> |
| Citizens Advice Bureaux | <https://www.citizensadvice.org.uk/scotland/> |
| Shetland Islands Council  | <https://www.shetland.gov.uk/contact-us/make-complaint> |