

## **AdvoCard Complaints Policy and Procedure**

### **Policy Statement**

At AdvoCard we:

- Address comments and complaints thoroughly and sensitively

At AdvoCard we are committed to taking every complaint we receive seriously and to thoroughly investigate every complaint to ensure that the full facts can be obtained. We will do this however while also adhering to the rights for privacy of the individual and respecting their confidentiality at all times.

- Encourage individuals to use their right to comment or complain

At AdvoCard we believe that a person's right to comment or complain is important. We therefore actively encourage any individual who is unhappy about the service they have received or a person they have been dealing with to make a comment or a complaint should they wish to. Part of this commitment means that we will take time to explain the complaints procedure and to say how we can support them to make a comment or a complaint.

- Enable resolution at any stage of the proceedings

At AdvoCard we will ensure that the comment or complaint can be resolved at the earliest opportunity and will therefore act on any comment or complaint received immediately. We will ensure that the process is as simple as possible and enable resolution at any of the stages of the procedure.

- Encourage positive action to improve the service

At AdvoCard we will not only encourage complaints but also comments from anyone who seeks to use the service or who has used the service

whether they are positive or negative in order to ensure that we receive feedback of all descriptions and that real influence can be brought to bear by anyone using our services.

This Complaints Policy and Procedure sets out to make it easy for you to support someone to comment and/or complain about the service offered from AdvoCard as well as to complain about a member of the team whether they're a Board member, a volunteer or a paid member of staff otherwise known, for the purposes of this policy as 'AdvoCard Employees'.

### **What is a complaint?**

A complaint can be a number of different forms of communication and is not just someone stating that they are unhappy. It can also be: commenting; making a recommendation; seeking further clarification; gaining a second opinion; requesting a review; questioning a policy; expressing concern or querying a decision.

### **Who can comment or complain?**

Any person seeking to use or using our services or a person who legitimately represents someone who is seeking to use or is using our services can complain. It can also be someone who has had our services refused to them. It can also be a group of service users.

Complaints from staff or members of the public should be directed to the Chair of the Board of Directors for consideration as they may fall outwith the scope of this policy and procedure as they may well not relate to any aspect of the service provided or an AdvoCard employee.

Anonymous complaints will be considered and respected wherever possible in the spirit of the AdvoCard Confidentiality Policy. Should a person request that their identity be kept confidential then this should be respected and the number of people aware of the identity of the person kept to a minimum. The person should however be informed that their

identity will need to be made known to more than one person as it will likely be disclosed to the Complaints Officer and the Director.

Complaints by a member of staff should be reported to an Office Bearer of the Board of Directors and it is likely that the AdvoCard Disciplinary & Grievance Procedure will be the process used to address their complaint.

### **What can be complained about?**

The Complaints Procedure can be used to raise any concerns about the services people are receiving or feel they should be receiving as well as about AdvoCard employees.

Comments or complaints can be about any aspect of the services offered as well as how the organisation is structured and run. Wherever possible people should be given the information they require in order to help them determine what course of action they wish to take.

Wherever possible employees should try to resolve the issue to the person's satisfaction without the need for formal process while at the same time making sure the person is aware that alternative procedures are available to them.

In the event that there is threatened legal action then the Chair of the Board of Directors should be informed immediately. They in turn will inform the Insurance Company and/or Lawyer where appropriate. How any complaint and/or claim is handled will be discussed with the Insurance Company and/or Lawyer.

### **Can they get help in making their comment or complaint known?**

Yes, the person dealing with their complaint should assist them in whatever way is appropriate. Alternatively they could seek help from outside AdvoCard. (See Inter-Agency Complaints Protocol)

## **Can they bring someone with them to meetings?**

Yes, they can bring someone of their own choice along either for support or to act on their behalf as an advocacy worker. (See Inter-Agency Complaints Protocol)

## **What information is kept about the person's comment/complaint?**

- When a complaint is discussed and resolved verbally then only the name, the date and the address of the person should be logged, with a brief summary of the comment or complaint. Any appropriate action taken or forwarding of the nature of the comment or complaint should also be recorded. The person should be fully informed about what is recorded and their right to access.
- When a written complaint is logged then the full details of the complaint and the names of all the people involved are logged securely. The information gained through investigation and any notes taken during meetings held will also be stored securely. Any appropriate action taken or forwarding of the nature of the comment or complaint should also be recorded. The person should be fully informed about what is recorded and their right to access.
- Any information shared as a result of dealing with outside agencies or liaising with other advocacy services should be shared in conjunction with the Data Protection and Confidentiality Policies of AdvoCard and in accordance with Data Protection Law.

## **Who do they complain to?**

Initially they complain to a member of staff, usually the Director of the service. However if they prefer they can complain to the Complaints Officer. If they are still not satisfied then their complaint will be looked at by a 'Review Panel' who will look again at what has been done to resolve their complaint.

## **Who should the person contact at AdvoCard?**

They can contact a member of staff or the Complaints Officer, whichever they prefer. Contact details for both are on the front of the Complaints Leaflet. How to complain is on the back of the leaflet.

## **What if the person doesn't want to speak to someone from AdvoCard?**

It is recommended that they attempt to resolve their complaint using AdvoCard's Complaints Policy & Procedure. If they feel their complaint is not resolved having gone through all stages of the procedure then they can contact:

Commissioning Officer – Mental Health, City of Edinburgh Council, Department of Health & Social Care on 0131 529 2222.

In the event that they are not satisfied, they are able to take their complaint to the City of Edinburgh Council, Advice and Complaints Officer by telephoning: 0131 5538395.

Finally a person can go to the Scottish Public Services Ombudsman, SPSO, Freepost EH641, Edinburgh. EH3 0BR. Tel: 0800 377 7330. Fax: 0800 377 7331. Email: [ask@spsso.org.uk](mailto:ask@spsso.org.uk) Contact details should be provided to individuals on request.

## **Procedure**

### **Stage 1 - verbal**

A person is able to make a verbal complaint which must be logged by a member of staff and discussed with them. If the complaint is resolved to their satisfaction then no further action will be taken. If they feel it has not been resolved then they can put their complaint in writing.

### **- in writing**

When we receive their written complaint it will be logged and responded

to within 5 working days. Their complaint will be investigated and responded to within 28 days. If their complaint is not resolved to their satisfaction then they may take it to the Complaints Officer.

### **Stage 2 – Complaints Officer**

Their complaint will be received and logged by the Complaints officer and then investigated and responded to within 28 days. If they opt to send their letter of complaint to the Complaints Officer straight away, at stage 1 then stage 2 is not necessary. If their complaint is not resolved to their satisfaction then they may request a Review Panel Hearing within 28 days.

### **Stage 3 – Review Panel Hearing**

The panel, consisting of the Complaints Officer, Office Bearer of the Board of Directors, Independent Member and Mental Health Service User will meet within 28 days and then write within 5 working days giving its recommendations.