

The Women's Rape and Sexual Abuse Centre

Dundee and Angus

Complaints Policy and
Guidance

2023



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Complaints Policy and Guidance

Introduction

WRASAC aims to be entirely supportive to all survivors needing our support and work respectfully and collaboratively with partner agencies. However, WRASAC recognises that there may be times when individuals using our service or third party agencies will be dissatisfied with the service and will wish to make a complaint. Maintaining good relationships throughout the process of the complaint is essential in order that full support can continue to be offered.

This in turn requires that we develop a “no blame” culture where complaints are welcomed as an opportunity to improve our service and to right occasional errors in practice and judgement. The appropriate response to complaints will develop further a service users sense of value and will add to the Centre's credibility.

This complaint procedure covers complaints against members of staff, individuals (paid and volunteer) and groups carrying out work on behalf of our service.

Policy Aims

This policy has been produced by WRASAC in order to provide a working environment which deals with informal and formal complaints in a consistent and supportive manner. This policy aims to take a proactive approach to tackling all complaints by:

- Sharing complaints procedures with complainants
- Giving guidelines for handling first stages of receiving complaints
- Outlining procedures for dealing with complaints which are unresolved at the early stages.

Legislative and Regulatory Framework

Diversity and Inclusion

WRASAC Diversity and Inclusion Policy sets out WRASAC commitment to prevent unequal treatment and discrimination.

WRASAC values the diversity of its workers and the contribution that each employee makes to the work of the organisation and will work to ensure that all workers are treated with dignity and respect.

Sharing Complaints Procedure

Details of the complaints procedure and copies of the complaints form will be displayed at the centres for WRASAC, in our HR system You Manage and also be available to download from www.wrasac.org.uk . It will also be provided to all service users as part of their introductory meeting.

A handout outlining the complaints procedure will be made available to any individual who expresses a desire to make a complaint.

WRASAC will endeavour to provide the procedure in other languages or formats on request where practically possible.

The leaflet details:

- Our willingness to hear and respond to complaints informally and formally
- Internal procedures for dealing with complaints including time-scales for response
- Next steps should a complainant be dissatisfied with the outcome to date.

Complaints by Children or Young People or Vulnerable Adults

WRASAC recognises that children and young people may need additional assistance to fully access their right to make a complaint. Any child or young person or vulnerable adult who wishes to make representations or complaints about aspects of services they are receiving will be supported to do so, or will be sign posted to an appropriate advocacy service as required (Alternatively Rape Crisis Scotland or Citizens Advice Bureau will be identified in the complaints procedure and forms as a possible external source of support). Provision will be made to enable them to provide the complaint in another format .e.g. by telephone or in person.

At every stage in the complaints process WRASAC will endeavor to provide access to age-appropriate support and advocacy for children and young people or vulnerable adults in order for them to fully access our complaints procedure. This may involve assisting them to identify support from others such as parents, friends, teachers or other workers who may make the complaint on the individuals behalf. The individual making the complaint will remain at the centre of all procedures and they will be listened to and consulted with at every stage. Procedures and outcomes will be explained in appropriate language or written formats.

Complaints by Third Parties

A complaint from a third party (i.e. not a service user) about WRASAC may be accepted where the third party alleges that the counselling service provided (i) breached the COSCA Statement of Ethics and Code of Practice and (ii) had a direct and adverse effect on the third party submitting the complaint.

The Procedure

Complaints must be made within twelve months of the service provided or the event complained about.

WRASAC will treat all complaints or notes of dissatisfaction both for the organization as a whole and for any individual member of staff as a learning opportunity. Many complaints will be easily resolved: some will relate to a misunderstanding: some to miscommunication; some will have no substance. Some however will be more serious in nature. In dealing with all complaints, therefore, for the protection of workers, volunteers, other service users and complainant it is essential that the procedure is transparent and well documented in line with Data Protection.

Informal Complaints

WRASAC will treat all notes of dissatisfaction as informal complaints and will seek to resolve them speedily by speaking with the service user and identifying how they feel the situation can be resolved, where appropriate the worker involved will have this conversation. Where this would not be appropriate a senior member of staff will initially speak with the service user and follow this up with a conversation with the member of staff, the focus of which will be any learning which can be taken from this. The outcome of informal complaints will be communicated to both the complainer and any staff members concerned within 10 working days.

Formal Complaints

Formal complaints should be made in writing (complaints form, letter or email) to the Manager of WRASAC, the Manager will acknowledge receipt of the complaint within 3 working days. Formal complaints will always be investigated by someone independent of the complaint.

An appropriate member of staff or Board member will be appointed to carry out an investigation (if the person carrying out the investigation becomes aware of a conflict of interest at any point during the investigation they should declare this and recuse themselves). The investigation will involve meeting with the individual who has raised the complaint, speaking with any other relevant parties and speaking with the worker concerned (during the investigation any evidence from either party relating to the complaint will be heard separately and not together) notes will be taken at any meetings held, if required the investigator can adjourn the complaint process at any time, when the process recommences it will start at the point it was adjourned this should happen within a reasonable timeframe. The complainant and the party who is being complained against will be advised that they have the right to be accompanied and/or represented by a supportive person of their choice at the meeting.

If a complaint involves an employee, volunteer or student of WRASAC they will be informed of the existence of the complaint and given details of the nature of it, where this could result in disciplinary action being taken the staff member will be advised of this and the disciplinary procedure will be followed and appropriate support put in place for the staff member.

Wherever possible the complainer will be informed of the outcome within 21 working days of the complaint being received, staff will be advised of the outcome within the same timescales. If further time is required for the investigation the individual and staff member will be notified at this point that this is the case. At this stage we will communicate;

- The complaint is being taken seriously;
- Indicate the reason for the extension;
- Indicate expected date for final response;

Once the complaint has been fully investigated the person carrying out this investigation will make a decision about whether to uphold the complaint or not and any action that needs to be taken by WRASAC (this action may include changing policies and procedures, arranging for additional training or commencing disciplinary procedures), this will be communicated to the individual who has made the complaint as well as the staff member.

The complainer will be advised they have the right to appeal and should do so in writing to the Manager.

If a complaint is unsubstantiated or caused by misunderstanding, support will be given to the worker or volunteer who may well feel distressed.

WRASAC is aware that the complaints process may lead to the possibility of litigation, if we are in any doubt about action we will seek legal advice. Should we become aware of any legal action the complaints process will pause pending the outcome of the legal investigation.

Any complaint relating to the provision of support will be passed to COSCA at the conclusion of WRASAC's complaints proceedings, within one month of the outcome of the process a Outcome Report to COSCA at the Conclusion of Complaints Proceedings will be completed and sent to COSCA. All personal information about the service user will be removed and they will be identified by their ID number. (This will aid COSCA should the service user wish to complain to them also.). COSCA will confirm that our process has been followed and will confirm the outcome was lawful, reasonable and properly explained. COSCA will publish

information about upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations on their website.

Appeal

If, following the investigation, the individual who is making the complaint is not satisfied with the outcome then they have 28 days in which to appeal in writing to the Manager (if investigated by a Line Manager) or the Board of Governors who will hear the appeal, no one involved in hearing the original complaint will be involved in hearing the appeal (this may require the appointment of independent panel to hear the appeal). The individual making the complaint should set out their reasons for appealing ie the decision was based on incorrect information, additional information is available, individual is dissatisfied with the action to be taken.

The Manager / Board will review the initial complaint and outcome with the individual and further discuss the matter. They will provide a decision of the appeal within 15 working days of receiving the appeal to the complainant and any staff member or volunteer involved.

When all internal complaints procedures have been exhausted and complainants are not satisfied with the outcome individuals can be directed to the Office of the Scottish Charity Regulator (OSCR) and COSCA with their concerns, complainants have one month from receiving the outcome of the appeal to contact COSCA on receipt of their communication COSCA will make contact with WRASAC to confirm that our internal process has been followed.

Contact details will be displayed on complaints forms and notice boards within WRASAC premises.

Discontinued Complaints

The complaint process will be discontinued should the fail or refuse to participate in the complaints process at any stage without a reasonable reason for doing so, or if the complainant formally withdraws their complaint by writing to the Manager indicating they wish to do so. Should this happen a letter will be issued to the complainant (within 5 working days of receipt) advising them of the discontinuation and if the complaint involved a staff member or volunteer they will also be advised in writing.

Guidelines for Receiving Complaints

The good handling of a complaint is crucial to its outcome. Complaints can be made informally or formally. We will therefore strive to be open and relaxed when hearing complaints made against WRASAC. Workers hearing a complaint will bear in mind the following:

- Some individuals may be unused to making complaints and will need maximum support and reassurance in order that they can clarify their concerns.
- Some individuals may express anger which might seem disproportionate to the complaint. The support and understanding of the worker is essential: re-assurance and recognition of the anger will support the service user to make their complaint.
- The first complaint stated may not be the real issue. It is essential that space be given to explore possible further concerns.

Complaints will come in a variety of forms. In responding to the first statement of complaint we will adhere to the following principles as far as is possible:

- The complainant will be reassured that WRASAC welcomes and responds to complaints informally and formally.

- Their complaint will be handled by someone independent of the complaint and will be handled in a confidential manner, the complainant's permission will be sought prior to sharing any information as per our confidentiality policy.
- They will be encouraged to speak and be heard fully.
- The worker will clarify any points which are unclear and may take notes.
- The worker will repeat back to the complainant the key points from their complaint and outline the next steps which will follow. They will reassure the complainant that their complaint will be handled with confidentiality, be fully investigated and indicate the time frame in which they will receive a response.
- The complainant will be invited to state any other concerns.
- No comment will be made as to the validity or otherwise of the complaint. Our intention here is to provide accurate and supportive listening; decisions about the complaint will be made thereafter.
- If an individual has made a complaint we will reiterate our intention to give the best support possible to the service user who is making the complaint.
- Where an anonymous complaint is received, it will be passed to the Manager who will investigate the matter as fully as possible in line with this procedure. Feedback regarding the issue where appropriate may be included on our notice boards within support room and service user forums.
- If the individual complained about has left the organisation, the complaint will be passed to the Manager and will be investigated as fully as possible in line with this procedure, where possible the person complained about will be contacted to give them the opportunity to feed into the investigation.

All complaints received by WRASAC Workers, volunteers, verbally or in writing should be forwarded on to the Manager, Katie Hardy Jensen who can be contacted by calling; **01382 205556** or by emailing **katie.hardy-jensen@wrasac.org.uk**, who will, if appropriate, follow up with a phone-call or a meeting. The Manager also has overall responsibility for managing the complaints procedure and can delegate responsibility for the investigation of the complaint to operational managers of the support services. Should the complaint involve a complaint against the Manager, a representative from the Board of Governors will be appointed to respond to and investigate the complaint. At this stage, the complainant will be invited to re-iterate their complaint.

Guidelines for Responding to Complaints

- If the complaint has been lodged verbally, a verbal response will be considered, if appropriate. The exception to this will be if the service user raising the complaint has requested written feedback or if the complaint is of a very grave nature. However, all action taken should be recorded appropriately.
- If the complaint has been raised in written form, it may still be appropriate to respond verbally with the complainant's permission.
- If a complaint has been found to be unsubstantiated this will be made clear to the complainant and to others affected by the complaint.

There may be times when it will be appropriate to apologise for offence caused and any distress which has resulted. While it is appropriate to accept responsibility and outline changes which have been made, or

actions which have been taken, any statements which imply damage will be treated with caution. If concerned that litigation may be made after legal advice has been obtained.

Recording and Monitoring Complaints

All complaints will be recorded (in line with the Data Protection Act) and they will be monitored by the Manager and Board. This will assist WRASAC to understand service users' views and the improvements they would like to see. For each complaint a record will be kept of:

- The note taken by the member of staff complained to at the informal resolution stage
- The written record of the formal complaints procedure
- The written record of any appeal
- All correspondence with the complainer.

Records will also include:

- The number and type of complaints
- How quickly they were dealt with
- The action taken as a result of a complaint
- Any changes to services made as a result of a complaint

Confidentiality

All complaints are treated confidentially. The senior management team will be aware of complaints and, if the complaint is about a specific member(s) of staff, then the staff member(s) involved, will be aware that a complaint has been received and is being dealt with. If a complaint is serious in nature then the fact a complaint has been made should be communicated by the Manager to the Board of Governors (at this stage the Board will not be provided details of the nature of the complaint, they will only be informed that a complaint has been received and given the potential timescales for dealing with this). As per our confidentiality policy the complainants permission will be sought before any identifying information is shared.

Anonymous Complaints

Anonymous complaints may be reported, investigated or acted upon as the person receiving the complaint sees fit having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint. We do, however, encourage those who complain to say who they are so that we can respond fully to the complaint and let them know the outcome.

Aggressive or Obsessive Complaints

We want to deal fairly and honestly with complainers and ensure that other service users, staff and WRASAC do not suffer detriment from persons making vexatious complaints. The Manager will refer complaints which they consider vexatious to the Board of Trustees of WRASAC, who will decide whether such complaints are to be treated as being vexatious. If so, the Chair of WRASAC will write to the complainer advising that the complaint is to be treated as vexatious. If necessary, the Trustees may request that WRASAC's solicitor write to the vexatious complainer to inform them that their behaviour is considered to be unacceptable.

Training and Information

All workers of WRASAC will receive a copy of the Complaints policy and their role in implementing the policy will be fully explained.

WRASAC in the implementation of this policy will identify any training requirements for workers.

WRASAC Complaints Policy will form part of the induction programme for all new workers.

Monitoring and review

WRASAC will monitor and review this policy three yearly as part of the cycle of policy review and when there are relevant changes in legislation or circumstances.

The review should include:

- are the aims of the policy being achieved?
- do all workers understand and comply with the expected action?
- are complaints dealt with quickly and in line with procedures?
- what have been the difficulties in implementing the policy and how can they be addressed?

Complaints Procedure for Service Users

WRASAC aims to provide a quality service to all. We welcome any comments or suggestions on how we can improve our service. However, there may be times when survivors using our service or third party agencies will be dissatisfied and may wish to make a complaint.

This leaflet explains:

1. How you can complain
2. Who to contact
3. How we will respond

You may complain informally or formally. In the first instance it may be that a complaint can be dealt with and resolved informally through discussion with one of our workers, however this may not be possible in which case we have a formal complaints procedure.

This procedure exists for any service user who is unhappy with the service received and who feels a situation has not been resolved. In circumstances such as these WRASAC encourages survivors to use this procedure. No one will be discriminated against as a result of making a complaint.

How to make a complaint

If you have any concerns about our use of your personal information, you can make a complaint to us in writing to:

WRASAC Dundee and Angus
Sangobeg House
Ground Floor
4 Francis Street
Dundee
DD3 8HH

The Information Commissioners Office (ICO) is also available if you are unhappy about how your data is used.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If posting in a complaint, please mark the envelope 'Private and Confidential'.

Should you be unable to make a written complaint please phone service and ask for the manager on 01382 205556.

A support worker independent of the issue can be allocated to help you write a complaint or you may have a worker from another agency support you with this.

Alternatively, you might wish to seek support from an external advocacy service, such as:

Rape Crisis Scotland or 0141 331 4180

Dundee - 01382 307494

Citizens Advice Bureau

Angus 01241 870661.

Please let us know if you require this form in another format e.g. large font.

What happens when a complaint is made?

On receiving a complaint WRASAC Manager / Line Manager will:

- Contact you as soon as possible by letter, email or phone
- Discuss the complaint with you and if you wish a friend/partner/relative or independent advocate to support you
- Investigate the complaint thoroughly
- Address the complaint sensitively
- Contact you by letter, phone or email within 21 working days, to inform you of the outcome/ progress of the investigation.
- As we are registered as a counselling skills organisation with COSCA, we are required to pass on information about any complaints received that relate to support work. This is in the form of a report at the conclusion of the complaints process.

All identifiable personal information will be removed. The complaint will be referenced with your WRASAC ID number, this will assist COSCA should you wish to complain to them also.

Possible Outcomes of Complaints

Outcomes of complaints will be monitored by the Manager / Line Manager/ Board of Trustees depending on the nature of the complaint. The outcomes of a complaints depends on the nature of the complaint made, for example:

- Complaints about a staff member / volunteer:
 - Findings may not be upheld
 - An apology
 - Training recommended
 - Disciplinary process is instigated
 - Changes to policies
- Complaints about building:
 - If we can fix it we will.
 - Apologies made
 - Policies / procedures amended

Right of Appeal

If you are not satisfied with the outcome you can appeal to the Manager/Chair of WRASAC who will go over the initial complaint and outcome with you, with the possibility for further discussion if necessary.

After investigation you will be informed in writing about the outcome. The decision at this point marks the end of our internal complaints process.

If you are still not satisfied with our internal complaints process or outcome you can contact **OSCR at 01382 220446** or **COSCA at 01786 475 140, 16 Melville Terrace, Stirling, FK8 2NE** or visit www.cosca.org.uk, COSCA must be contacted within one month of the outcome of the appeal.

We can provide a copy of COSCA Complaints Procedure.