

ADS Operational Policies and Procedures Ref 2: Complaints and Duty of Candour Procedure

POLICY STATEMENT

This document updates and supersedes all previous policy statements.

ADS is committed to providing a high standard of service in a safe, caring, ethical and confidential environment. As such, ADS welcomes feedback, comments and suggestions from people who use our services, to help us constantly improve the way in which we work. ADS also welcomes feedback from carers, other family members, referring agents and other third parties.

General Principles

This policy is available to the public in each ADS office, and is also available to download from our website www.adssws.co.uk It can be made available in other languages and formats if required, by contacting ADS Head Office at 225 King St, Castle Douglas DG7 1DT.

Tel: 01556 503550 or through the contacts section of our website.

A summary *“What to do if I have a complaint about ADS Services”* leaflet will be included with each first appointment letter or Service User Pack. This is also available to download from the Resources Section of our website.

A summary *“What to do if I have a complaint about ADS Talking Therapies Service”* is given to users of that particular service. This is also available to download from the Resources Section of our website.

This policy covers complaints and concerns made about any member of ADS staff, unpaid volunteers and Charity Trustees.

Complaints and feedback can be made by whatever means is the most convenient, e.g. telephone, letter, face to face or via the contacts section of our website at www.adssws.co.uk Assistance will be made available by ADS staff, if desired, to people wishing to complain but unable to do so in writing. Further, help will be offered to enable complainants to fully understand how the complaints system works. Additional and impartial advice and help is available from Dumfries and Galloway Advocacy Service at www.dgadvocacy.co.uk 01387 247237

Complaints Procedure for Service Users, their Carers and Other Third Parties

ADS aims to resolve issues and complaints as quickly and informally as possible. Complaints are best made as soon as there is awareness of an issue or problem, to

help reach a quick resolution. However, this is not always possible, so we will consider complaints up to six months after the cause of the complaint has happened.

Duty of Candour

ADS also has responsibilities in relation to Duty of Candour provisions contained within the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill (2016). The overall purpose of the duty is to ensure that organisations are open, honest and supportive when there is an unexpected or unintended incident resulting in death or harm, as defined in the Act.

ADS staff should consult the following website for information on to the Duty of Candour Procedure:

<http://www.knowledge.scot.nhs.uk/making-a-difference/resources.aspx>

Responsibility for activating the Duty of Candour procedure lies with the Operations Manager, or in their absence, the Chief Executive.

Informal Resolution of Complaint

Users of our services, or others, who have concerns or grievances about the quality of any of the services offered by ADS or about the conduct of an employee/ volunteer/ charity trustee may bring them to the attention of their worker and / or to any member of the ADS Leadership Team. Irrespective of how the concern is raised, the Chief Executive should be informed of the matter at the earliest opportunity.

If the issue is resolved and no further action is required, the matter is closed. If the complaint is not resolved, the Formal Complaints Procedure may be invoked.

Anonymous Complaints

If an anonymous complaint is received, we may not be able to investigate the complaint fully, or to reply to the complainant with our findings. Nevertheless, in certain circumstances even if no formal complaint has been made, at the Chief Executive's discretion a particular issue may be investigated either prior to or as part of ADS's Disciplinary Policy [Staff Policy Ref: 13] or Whistleblowing Procedures [Operational Policy Ref: 6].

Formal Complaints Procedure

The formal complaints procedure is intended to protect users of our services, staff, volunteers and Charity Trustees. If you want to make a formal complaint about ADS services, please contact the ADS Chief Executive by whatever means is most convenient, e.g. telephone, letter, email, face to face or contacts section of our website.

ADS Head Office at 225 King St, Castle Douglas DG7 1DT, Tel: 01556 503550
www.adssws.co.uk

enquiries@adssws.co.uk

The Chief Executive has overall responsibility to manage the Complaints Procedure. An identified ADS Manager will be appointed to fully investigate the complaint, in a confidential manner. Occasionally, if a complaint is very serious, such as if it involved harm to the complainant or to others, other people might have to become involved. This would always be discussed in the first instance with the complainant.

Timescales & Principles

- The complaint will be acknowledged in writing [irrespective of how it was received], within 3 working days
- The complaint will be fully investigated by an appropriate ADS Manager within 14 working days. To insure impartiality and independence, and to avoid the risk of conflict of interest, the ADS Manager appointed to investigate the complaint **will not** be the manager of the service implicated in the complaint.
- All parties involved in the complaint can, where relevant, declare a conflict of interest to that dedicated manager. In that case, and where appropriate, a new ADS Manager, or alternatively, an ADS Charity Trustee, would be appointed to investigate the complaint.
- The ADS Manager will at all times act in an impartial and independent manner, and investigate the complaint in a confidential manner.
- If the investigation is going to take longer than 14 working days, and is delayed for good reason, the complainant will be told why, and provided with a new completion date. The absolute maximum time for a formal complaint to be investigated will be 6 months.
- The complainant will receive a written response from the Chief Executive within 5 working days of the investigation being completed.
- Both complainant and the ADS staff member, volunteer, Charity Trustee being complained about have the right to meet with the investigating ADS Manager as part of the investigation, although not at the same time.
- Both complainant and the ADS staff member, volunteer, Charity trustee being complained about have the right to be accompanied and / or represented by a supportive person at the meeting with the investigating ADS Manager.
- The investigating ADS Manager can halt the complaints procedure at any stage should it emerge that legal action is intended, pending or under way, and that the process will remain halted until said legal action is complete.

- The complainant will also be offered the opportunity to meet in person with the Chief Executive to discuss the outcome of the investigation.
- In the event that the complaint is to be made against the Chief Executive, the complainant should contact the Chair by whatever means is most convenient, e.g. telephone, letter, email, face-to-face, contacts section of our website.

Appeals Procedure

- All parties have the right to appeal against the contents of the written response or the outcome of the investigation. A request should be made to the Chief Executive within 14 working days from the date that a final resolution was received. Again, this request can be made by whatever means is most convenient, e.g. telephone, letter, email, face-to-face, contacts section of our website.
- If appropriate disciplinary action may be taken against relevant ADS staff / volunteers/ Charity Trustees.
- All materials relating to the complaint, outcome and any appeals will be lodged securely in the ADS Complaints File.
- If the complaint relates to ADS Talking Therapies Services, a “Report to COSCA at Conclusion of Complaints Proceedings” will be prepared and submitted to COSCA. Permission should be sought from the complainant to share their identity, as required by the report to COSCA.

Outcomes

If the complaint is found to be justified, we will issue the complainant with a full written apology. We will take action, where appropriate, to put right what went wrong. We will try to prevent any similar problems happening in the future.

In the event that disciplinary action is taken against a staff member, volunteer or Charity Trustee, the ADS Disciplinary Policy [Staff Policy Ref: 13] will be followed.

The Role of COSCA

ADS holds membership of COSCA, Scotland’s Professional Body for Counselling and Psychotherapy. As such, any users of our talking therapies Service who have exhausted the ADS Complaints Procedure and are not satisfied with the outcome, have the right to make a complaint directly to COSCA using their Complaint procedure.

COSCA (Counselling & Psychotherapy in Scotland)
16 Melville Terrace

Stirling
FK8 2NE

phone: 01786 475 140
fax: 01786 446 207

email: info@cosca.org.uk
website: www.cosca.org.uk

The Role of the Care Inspectorate

ADS Housing Support Service is regulated by the Care Inspectorate. As such, users of the ADS Housing Support also have the right to raise concerns or complain directly to the Care Inspectorate, as follows

- call their national enquiries line on 0845 600 9527
- fill in their complaints form online at www.careinspectorate.com

Dr Angela Roberts
Chief Executive

Review Date: September 2020