

---

# Complaints Policy

Ref No:ES52

Document Type	Policy
Action Required	Publish
Document Security	For Publication
Owner (Dept.)	Legal and Corporate Governance
Date of Issue	22 May 2019
Date of Review	22 May 2021
Version	2.4

# Contents

1	Policy statement .....	3
2	Purpose .....	3
3	What is a complaint?.....	3
3.1	Information in Different Formats .....	4
3.2	Support to Make a Complaint .....	4
4	ENABLE Scotland’s procedure .....	4
4.1	All issues should be recorded.....	4
4.2	Identify the issue.....	4
4.3	Resolve the issue .....	5
4.4	Investigation .....	5
4.5	Informing.....	5
4.6	Notifications of Serious Matters .....	5
5	Requesting a review .....	5
5.1	Final Decisions .....	6
5.2	Escalation of Complaints .....	6
6	Time limit for making complaints.....	6
7	Persistent and/or vexatious complaints.....	6
8	Complaints to external agencies about ENABLE Scotland .....	6
8.1	Complaints about a Support Service .....	6
8.2	Using the Ombudsman .....	7
9	Complaints about ENABLE Scotland branches .....	7
10	Complaints to Charity Regulator .....	7
11	Policy review.....	7
12	Document Control.....	8
APPENDIX 1	Contact details for external agencies.....	9
APPENDIX 2	Flowchart for complaints procedure.....	11

# 1 Policy statement

ENABLE Scotland is the parent charity and company of ENABLE Scotland (Leading the Way) and ENABLE Trustee Service. The group is referred to as 'ENABLE Scotland' or 'the organisation' throughout this policy document.

ENABLE Scotland is committed to providing a high-quality service to all customers, members, families and the general public. On occasion people may not believe that they have received an appropriate level of service and may therefore wish to make a complaint.

This policy is solely for the benefit of the above named groups. If an ENABLE Scotland employee wishes to make a complaint, they should refer to the Grievance Policy.

## 2 Purpose

ENABLE Scotland values feedback and recognises an individual's right to make a complaint. The organisation therefore makes a commitment to: -

- let people know they have the right to complain at any time if they are unhappy with the level of service they have received from ENABLE Scotland
- have clear information about our complaints procedure for anyone who needs it and available in a variety of formats
- support people to make complaints, or to link with people/agencies who can support them to do so
- respond promptly to any suggestions, concerns or complaints
- deal with complaints confidentially, sensitively and thoroughly and in a timely manner
- record all concerns and complaints
- respond to anyone who submits a complaint
- resolve matters at a local level as far as possible and in good time
- inform relevant agencies, when appropriate, and follow proper procedures
- provide guidance to staff on their responsibilities and timescales for dealing with complaints.

Our approach is intended to be: -

- positive, constructive, and consistent with legislation
- fair, impartial, and confidential to those involved
- prompt and time limited
- clear, with procedures that are easy to understand
- monitored and evaluated
- focussed on positive outcomes.

## 3 What is a complaint?

Reporting a fault or a problem or making a suggestion to improve services, is not necessarily a complaint. It may be simply a request for service or a suggestion. Suggestions for improving services can be made by speaking with the local Service Manager.

If a suggestion or informal complaint is deemed to be a serious matter by ENABLE Scotland it may be considered as a formal complaint.

Any expression of dissatisfaction you may make about the standard of service, actions or lack of action by ENABLE Scotland or its staff will normally be regarded as a complaint and treated with the respect it deserves.

Complaints can be made in a variety of ways:-

- In person
- In writing by letter

- Using the Customer Feedback Form
- By telephone either to a local office, INSPIRE House or ENABLE Direct
- Via the website or by email to [complaints@enable.org.uk](mailto:complaints@enable.org.uk)

All serious matters including theft, abusive behaviour, assault, allegations of abuse, inappropriate use of restraint, or serious misconduct and disciplinary matters will be handled appropriately. ENABLE Scotland will, where appropriate, report any such matters to the relevant authorities, including the local authority, police, Care Inspectorate, Mental Welfare Commission and any other relevant bodies. The organisation will take advice from the police about whether it is appropriate for an internal investigation to be undertaken at the same time.

### **3.1 Information in Different Formats**

This policy is available at all ENABLE Scotland offices and on request. ENABLE Scotland's Complaints leaflet is also available to all customers, members, and stakeholders on request. All people supported by ENABLE Scotland will receive information about how to make a complaint about the service they receive.

ENABLE Scotland is committed to receiving information about complaints in the most appropriate format for the individual submitting the complaint.

### **3.2 Support to Make a Complaint**

Individuals supported by ENABLE Scotland may find it difficult to tell the organisation they are unhappy about the level of service they receive.

If a member of staff supports someone who uses ENABLE Scotland's services to make a complaint or raises an issue on the person's behalf, it is crucial that only the views of the person making the complaint are recorded.

In the event that an individual does not have a third party available to help submit a complaint, ENABLE Scotland commits to supporting that person to make contact with an independent advocacy service.

## **4 ENABLE Scotland's procedure**

1. All issues highlighted to ENABLE Scotland are recorded.
2. An appropriate process to resolve the issue or confirm it is a complaint will be identified.
3. All issues will be moved to resolution.
4. All complaints will be investigated by someone who is not directly involved.
5. All complaints shall be responded to, and the person making the complaint informed of its progress within set timescales

### **4.1 All issues should be recorded**

ENABLE Scotland may not receive every complaint in writing, however the appropriate person in the organisation must ensure that every complaint received is recorded.

It may be appropriate for an issue or complaint to be recorded as follows:-

- ENABLE Scotland employees may need to support a person to complain by writing down the complaint for them. When this happens it is crucial that the staff member does not put forward their own views. The complaint should be written down and read back to the person to make sure they are happy with what has been written down before they sign it.
- If a person wishes to make a complaint over the telephone, the person taking the complaint should read back what they noted and a copy should be sent to the person.
- A Customer Feedback Form is also available for people to use if they wish and services should make this readily available to people. It can be returned via the Freepost address or handed in to the local office.

### **4.2 Identify the issue**

It should be confirmed, where appropriate with the person who has highlighted the issue, whether this is to be treated as an issue to be resolved within the service area/ department, or to be treated as a complaint.

### **4.3 Resolve the issue**

Issues can be resolved in a number of ways, for example, this may be through having the opportunity to discuss the matter or by meeting with the Service or Regional Manager, or the Head of Department.

### **4.4 Investigation**

If an issue is confirmed as a complaint, an investigating manager will be appointed by the organisation to consider the circumstances of the complaint.

### **4.5 Informing**

- The person making the complaint will receive an initial response within 5 working days of receipt by ENABLE Scotland to advise that their complaint has been received and what will happen next. If appropriate, this may happen by telephone or in person rather than in writing. If so, a record will be kept of the conversation.
- The person making the complaint will, within 15 working days of receipt by ENABLE Scotland, receive information about the outcome of the investigation. In some circumstances, details of the outcome will need to be kept confidential.
- If an outcome cannot be reached within 15 working days of receipt by ENABLE Scotland, the person making the complaint must be advised of the position and receive a revised timescale for response.
- Following a response being issued to the person making a complaint, if any request for further information or offer to meet is does not receive a response, ENABLE Scotland will proactively seek to conclude the matter.

Some examples of potential resolutions to complaints are as follows:-

- making an apology
- giving an explanation
- giving an assurance that the same thing will not happen again
- taking action which changes things for the better
- taking action which restores things to the way they were
- taking no action
- replacing goods.

### **4.6 Notifications of Serious Matters**

If a serious incident has taken place, ENABLE Scotland must inform the relevant local authority Social Work Department that commissioned the service, the Care Inspectorate and possibly the Mental Welfare Commission. Police Scotland or other appropriate regulatory bodies may also need to be informed. These organisations must be informed within 24 hours or as soon as practicably possible.

## **5 Requesting a review**

If the person making the complaint is unhappy with the response to their complaint then they can request, in writing, that the decision is reviewed.

The person making the complaint will, within 15 working days of receipt by ENABLE Scotland, receive information about the outcome of the review. If the review cannot be completed within 15 working days of receipt by ENABLE Scotland, the person making the complaint will be advised of the position and receive a revised timescale for response.

## 5.1 Final Decisions

If upon completion of the review the person making the complaint remains unhappy with the outcome, they should contact the Chief Executive. The Chief Executive has ultimate responsibility for all complaints and will make the final decision about an outcome.

The Chief Executive may ask another manager to look into the situation before making a final decision.

## 5.2 Escalation of Complaints

If a complaint is received for the attention of the Board of Trustees, the Chair of the Board will be notified. The Chair of the Board will ask the Chief Executive to arrange an investigation by a suitably senior member of staff.

When this is completed the Chair of the Board will review the response and progress as required to bring the matter to a resolution.

## 6 Time limit for making complaints

To afford the best opportunity to investigate complaints effectively ENABLE Scotland will normally only consider those made within six months of the complainant becoming aware of the event occurring. This is in keeping with Care Inspectorate procedure.

In exceptional circumstances complaints made out with this timescale will be considered if senior managers decide the nature of the complaint is compelling.

We will always investigate any matter, including staff conduct, which relates to safeguarding and the wellbeing of the people we support.

## 7 Persistent and/or vexatious complaints

If a complainant remains dissatisfied with the outcome of their complaint when process in this procedure has been exhausted, and continues to make repeated complaints about the original, or slightly varied, event/s ENABLE Scotland reserves the right not to consider the new complaint.

As an alternative ENABLE Scotland may offer to open a dialogue with the complainant to fully explore any underlying issues which have not been addressed through the procedure. If following this dialogue the complainant remains dissatisfied a written account will be provided of all steps taken to resolve the complaint, that no further avenue is open for ENABLE Scotland to follow and the complainant's right to complain to the Care Inspectorate.

## 8 Complaints to external agencies about ENABLE Scotland

### 8.1 Complaints about a Support Service

People supported by ENABLE Scotland also have the right to make a complaint about ENABLE Scotland's services to the local Social Work Department and/or the Care Inspectorate. They can do this at any stage. If an individual does not have a third party available to help make this complaint, ENABLE Scotland commits to supporting the individual to access an independent advocacy service to help submit the complaint.

The Care Inspectorate leaflet "Unhappy about a care service?" tells people how to make a complaint. It can be found on the website [www.careinspectorate.com](http://www.careinspectorate.com). If the person prefers to speak with the Care Inspectorate they should phone 0345 600 9527.

The Care Inspectorate can also be contacted at their headquarters:

Care Inspectorate  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY  
Tel: 01382 207100

## **8.2 Using the Ombudsman**

There may be some circumstances where an individual takes their complaint to the Scottish Public Services Ombudsman. This body has a limited role and will only be able to deal with a complaint about a public service, e.g. the NHS, local councils and Housing Associations, and only when the internal complaints procedure has been fully exhausted.

ENABLE Scotland is not a public service, however the local Social Work Department and the Care Inspectorate are public services. A person might complain about ENABLE Scotland's services to the Social Work Department or the Care Inspectorate. If the person feels that the Social Work Department or the Care Inspectorate did not deal with their complaint properly, then they can complain about this to the Scottish Public Services Ombudsman.

For more information see <http://www.scottishombudsman.org.uk/>

See Appendix 1 for contact details for relevant external agencies.

## **9 Complaints about ENABLE Scotland branches**

This policy does not apply to ENABLE Scotland branches. Any complaint that relates to a branch should be routed to the relevant branch secretary or chairperson, as all ENABLE Scotland branches are separately registered charities.

## **10 Complaints to Charity Regulator**

The final route of complaint about any charity is to the Office of the Scottish Charity Regulator (OSCR) see <http://www.oscr.org.uk/>.

OSCR can be contacted at the following details:-

OSCR  
Quadrant House  
9 Riverside Drive  
Dundee DD1 4NY  
Tel: 01382 220446

## **11 Policy review**

This policy will be reviewed two years from the date of issue, unless an earlier review is required due to changes in policy, process or procedure.

# 12 Document Control

## Document Control History

Version	Revision Date	Revision Description	Next Review Date
2.0	31/08/2012	Final Published Version	30/08/2014
2.1	31/03/2013	Updates made per Care Inspectorate recommendations	30/08/2014
2.2	30/09/2016	General review of content, reformatted to house style	30/09/2018
2.3	1/08/2018	Updating pre-complaint process	01/08/2020
2.4	22/05/19	Additional information regarding time limits	22/05/21

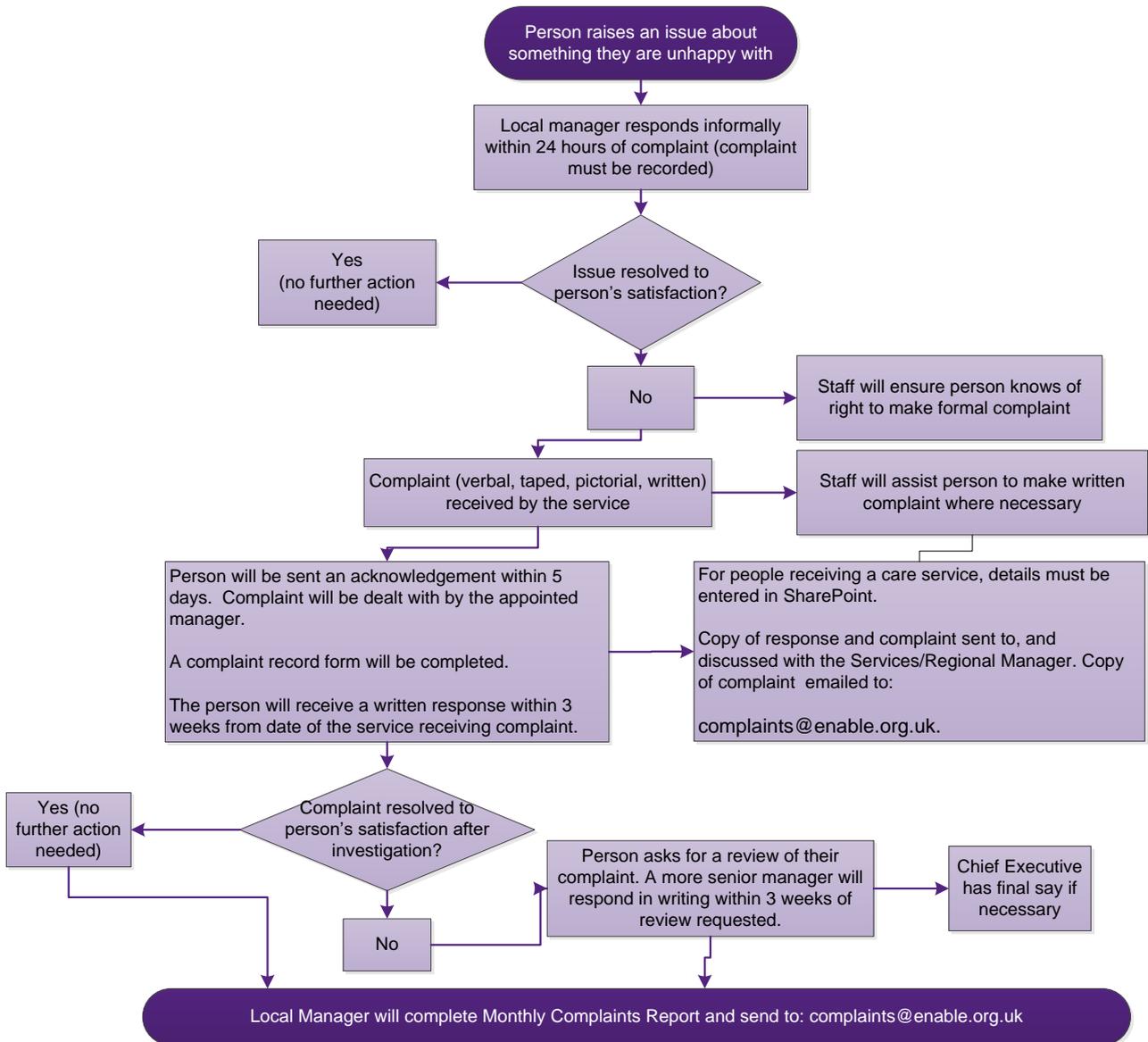
## Associated Documents

Ref	Title	Location Hyperlink	Document Type
ES02	Data Protection	<a href="#">Data Protection Policy</a>	Policy
HS03	Protecting Adults from Risk of Harm	<a href="#">Protecting Adults at Risk of Harm Policy</a>	Policy
PP05	Child Protection	<a href="#">Child Protection Policy</a>	Policy
ES03	Confidentiality	<a href="#">Policy - All Documents</a>	Policy

The Care Inspectorate has an office in your area	
<p><b>Headquarters</b></p> <p>Care Inspectorate, Compass House 11 Riverside Drive, Dundee, DD1 4NY Tel: 01382 207100 Lo-call: 0345 600 9527 email: <a href="mailto:enquiries@careinspectorate.com">enquiries@careinspectorate.com</a> web: <a href="http://www.careinspectorate.com">www.careinspectorate.com</a></p>	<p><b>Aberdeen</b></p> <p>Care Inspectorate Johnstone House, Rose Street, Aberdeen AB10 1UD Tel: 01224 793870</p>
<p><b>Dundee</b></p> <p>Care Inspectorate Quadrant House 11 Riverside Drive, Dundee, DD1 4NY Tel: 01382 207200</p>	<p><b>Dunfermline</b></p> <p>Care Inspectorate South Suite, Ground Floor, Largo House Carnegie Avenue Dunfermline, KY11 8PE Tel: 01383 841100</p>
<p><b>Dumfries</b></p> <p>Care Inspectorate Solway House Dumfries Enterprise Park Tinwald Downs Road Dumfries, DG1 3SJ Tel: 01387 734980</p>	<p><b>Elgin</b></p> <p>Care Inspectorate Phoenix House 1 Wards Road, Elgin, IV30 1QL Tel: 01343 559890</p>
<p><b>Galashiels</b></p> <p>Care Inspectorate 3<sup>rd</sup> Floor, Maxwell House Bridge Street Galashiels TD1 1SW Tel: 01896 664400</p>	<p><b>Glasgow</b></p> <p>Care Inspectorate Europa Building Ground Floor 450 Argyle Street Glasgow, G2 8LG Tel: 0141 242 0391</p>
<p><b>Hamilton</b></p> <p>Care Inspectorate Princes Gate, Castle Street, Hamilton ML3 6BU Tel: 01698 208150</p>	<p><b>Inverness</b></p> <p>Care Inspectorate First Floor, Castle House Fairways Business Park Inverness, IV2 6AA Tel: 01463 227630</p>
<p><b>Irvine</b></p> <p>Care Inspectorate 1st Floor, Rivergate House Rivergate Irvine, KA12 8EH Tel: 01294 323920</p>	<p><b>Musselburgh</b></p> <p>Care Inspectorate Stuart House, Eskmill, Musselburgh EH21 7PB Tel: 0131 653 4100</p>

The Care Inspectorate has an office in your area

<p><b>Oban</b></p> <p>Care Inspectorate Boswell House Argyll Square Oban, PA34 4BD Tel: 01631 56414</p>	<p><b>Orkney Isles</b></p> <p>Care Inspectorate East Bank East Road Kirkwall, KW15 1LX Tel: 01856 870535</p>
<p><b>Paisley</b></p> <p>Care Inspectorate 4th Floor, 1 Smithhills Street, Paisley, PA1 1EB Tel: 0141 843 4230</p>	<p><b>Shetland Isles</b></p> <p>Care Inspectorate 2nd Floor, Charlotte House Commercial Road Lerwick, ZE1 0HF Tel: 01595 696661</p>
<p><b>Stirling</b></p> <p>Care Inspectorate Springfield House Laurelhill Business Park Laurelhill Road Stirling, FK7 9JQ Tel: 01786 406363</p>	<p><b>Western Isles/Eilean Star</b></p> <p>Care Inspectorate Custom House Quay Street Stornoway Eilean Star, HS1 2XX Tel: 01851 706157</p>
<p><b>External Agencies</b></p>	
<p><b>Mental Welfare Commission for Scotland</b></p> <p>91 Haymarket Terrace Edinburgh EH12 5HE Tel: 0131 313 8777 Service user &amp; carers freephone: 0800 389 6809 email: <a href="mailto:enquiries@mwscot.org.uk">enquiries@mwscot.org.uk</a> web: <a href="http://www.mwscot.org.uk">http://www.mwscot.org.uk</a></p>	<p><b>Scottish Public Service Ombudsman</b></p> <p>4 Melville Street Edinburgh EH3 7NS Tel: 0800 377 7330 email: <a href="mailto:enquiries@spsso.org.uk">enquiries@spsso.org.uk</a> web: <a href="http://www.spsso.org.uk">http://www.spsso.org.uk</a></p>
<p><b>Office of the Scottish Charity Regulator (OSCR)</b></p> <p>Quadrant House 9 Riverside Drive Dundee DD1 4NY Tel: 01382 220446</p>	



[www.enable.org.uk](http://www.enable.org.uk)

Enable Scotland, Charity No: SC009024. A limited company registered in Scotland, No: SC278976  
Enable Scotland (Leading the Way), Charity No: SC021731. A limited company registered in Scotland, No: SC 145263  
Registered Office for all companies: **INSPIRE HOUSE, 3 Renshaw Place, Eurocentral, Lanarkshire, ML1 4UF**