

West Lothian Drug & Alcohol Service

Complaints' Policy & Procedure

1. Introduction

1.1 This Complaints' Procedure covers all aspects of the services we provide within West Lothian Drug and Alcohol Service (WLDAS). It is open to all clients, their representatives, referring agencies, partner organisations and anyone who is involved in our education or training work.

1.2 WLDAS is committed to providing high quality services. We are committed to ensuring that people who use our service get the opportunity to feed back to us on how we have done and how we can improve and recognise that having an accessible and robust complaints policy and procedure is an important element of this.

1.3 WLDAS sees service users as a key element in this and, as a result, set up a Service Users Advisory Group (SUAG) at the start of 2013. WLDAS believes that service user involvement should be more than consultation. It should empower service users to take a central role in designing, developing, delivering and evaluating the services provided.

1.4 This Policy is accessible to read on our website and can be requested in other formats and languages, where necessary. Please contact us using the details at the end of this policy.

1.5 Organisations that can provide independent support and advocacy for people wishing to make a complaint are listed at the end of this policy.

1.6 What follows is an explanation of the Service's Complaints' Policy and Procedure and outlines:-

- the principles of WLDAS' complaints procedure;
- what is a complaint;
- how to complain;
- what will happen once a complaint is made.

1.7 The aim of the Complaints' Procedure is to ensure that:

- anyone wanting to make a complaint knows how to go about it;
- we will respond promptly and in a courteous way;
- users of our services are satisfied that we have considered their complaint seriously;
- we learn from any complaints made and make changes to improve our services.

2. Principles of our Complaints' Procedure

2.1 WLDAS recognises that complaints are an important part of client feedback and can help improve services.

2.2 WLDAS encourages anyone wishing to make a complaint to do so promptly. This will ensure that any problems are addressed as soon as possible. The time limit for making a complaint is 3 years, however out-of-time complaints will be considered on a case by case basis.

2.3 We will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not

provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by the General Manager or Chair of the Board.

2.4 We will consider complaints from third parties who have themselves been directly and adversely affected by the service (third parties are those who have not personally received services related to counselling). As part of the complaint, the onus is on third parties to evidence the direct and adverse effect on them. In order for WLDAS to be able to handle the complaint we may need to seek consent from the client currently receiving support from our service. Consent will only be sought if it is necessary to investigate the complaint further.

2.5 All complaints will be investigated fully and fairly.

2.6 Complaints will be dealt with in confidence. The only exceptions to this will be when others could be put at risk by matters referred to in the complaint or the complaint is of a very serious nature.

2.7 If the complainant and complained against is not happy with the result of the response to the complaint, he or she will have the right of appeal, within one calendar month of the complaint outcome.

2.8 Individuals who use our counselling and support services, including training and supervision, are made aware of their right to access Counselling & Psychotherapy Scotland (COSCA) Complaints Procedures as WLDAS is a member organisation.

3. What is a Complaint?

3.1 A complaint is an expression of dissatisfaction, either written or spoken. A complaint can be made by an individual or by a group. You may wish to complain if you are not satisfied with:

- the way you have been treated by a member of staff, volunteer or other workers and groups providing services on behalf of WLDAS;
- the service you have received from WLDAS.

3.2 A complaint may arise, for example if anyone using our Service, or who has used our Service, or is thinking of using our Service, believes that we have:

- done something wrong;
- failed to do something we should have done;
- acted unfairly or impolitely.

Please note that any matter which is the subject of legal proceedings, or is expected to be subject to legal proceedings, is excluded from the Complaints' Procedures. In such cases, all matters must be referred directly to the General Manager.

4. How to complain and how will it be dealt with

4.1 Stage 1 Informal:

We would encourage you to raise any concerns or unhappiness you have with the member of WLDAS staff that you work with or contact the General Manager who will do their best to resolve the matter quickly, satisfactorily and in an informal way. If no satisfactory response is received at Stage One then the complaint should move to Stage Two.

4.2 Stage 2 Formal:

Any member of staff can explain the formal complaints' process to any potential complainant and complained against or their representative if this is necessary. This policy is also available on our website.

Any comments or complaints which you may have should be directed to the General Manager of WLDAS. This can be done by telephone, e-mail, writing a letter or by arranging an appointment so you can speak to them in person - whatever is more comfortable. It may be that you will want a friend or relative, or someone from a helping organisation (e.g. Citizens Advice or West Lothian's Mental Health Advocacy Service) to assist you in compiling the letter and to advocate on your behalf. The complainant and complained against should ensure that they agree with what has been written, sign the document to this effect and obtain a copy for reference. This record will then be passed to the General Manager.

If the complaint is about the General Manager then all communication and correspondence should be directed to the Chairperson of the Board of Management

To help us deal effectively and efficiently with your complaint, you should include your home address and telephone number (if you have one) stating clearly what your complaint is and what you would like done.

On the receipt of your complaint, the General Manager will appoint two independent investigators and will write to you within 7 days of receipt acknowledging your complaint, letting you know who is investigating the complaint and when the investigation will start.

The investigation will be impartial, dealt with in confidence, and all parties involved in the complaint and its investigation must declare any conflicts of interest.

Should the investigator require to interview anyone involved in the complaint, evidence will be taken from each party separately and in a manner which means the parties involved will not come in to contact with each other. Anyone interviewed regarding the complaint is entitled to be accompanied by a supportive person of their choice, however this person must be independent of the complaint.

The complainant and complained against will receive a response, in writing within 21 days of the start of the investigation. The response will include the following information:

- Details of the investigation;
- A decision on whether the complaint was upheld or not;
- The redress, if appropriate, which will be offered e.g. an apology;
- Any other action that will be taken as a result of the complaint;
- If the investigation has not been completed within 21 days, the reasons why and the expected completion date.

The General Manager or Chair of the Board of management (if the complaint is about the General Manager) may halt the complaint at any stage if it emerges that legal action is under way, pending or intended. The Complaints' Procedure can be halted until any legal process is complete.

The Complaint Manager will be responsible for ensuring that any redress or recommendations/sanctions are applied and fulfilled.

If after the completion of this process you are still dissatisfied, then you can appeal.

On conclusion of the complaint in the area of counselling and support, we will notify COSCA.

4.3 Stage 3 Appeal:

Any decisions made are open to consideration for appeal. The appeals process is accessible to all parties involved in the complaint. You should write to the Chairperson of our organisation, including copies of any previous records or correspondence, stating your complaint and your reasons for dissatisfaction with Stage 2. If WLDAS has not heard from the complainant and complained against within one calendar month of the stage 2 appeal outcome we will consider the case closed.

The Chairperson, upon receiving your appeal letter, will convene a meeting of an Appeals Committee consisting of 3 Board of Management Members, one of whom will Chair the Appeals Procedure. The Appeals Committee will not include any member of the Board of Management who has been directly involved in the circumstances of the complaint. This meeting will be convened within 30 days to which you will be invited to attend with a representative. You will be invited to state your original complaint and explain your reasons for being dissatisfied with Stage 2. The Appeals Committee's decision is final.

On conclusion of the complaint in the area of counselling and support, we will notify COSCA.

5. What Happens if a complaint is upheld

If your complaint is found by us to be justified we will:

- issue you with a full written apology and a note of any actions taken;
- take action, where appropriate, to put right what went wrong. The Complaint Manager will be responsible for ensuring that any redress or recommendations/sanctions are applied and fulfilled, for example, disciplinary action taken;
- try to prevent any similar problems happening in the future;
- on conclusion of WLDAS's complaints procedure, submit a report to COSCA within one month of the complaints process.

6. Complaining to WLDAS

You can contact WLDAS by post, telephone or e-mail at the following

West Lothian Drug & Alcohol Service
Floor1
The Almondbank Centre
Shiel Walk
Craigshill,
Livingston
EH54 5EH
Tel: 01506430225
E-mail: enquiries@wldas.org
Website www.wldas.com

7. Complaining to Other Organisations

Depending on what your complaint is about, you may be able to complain to West Lothian Council, NHS Lothian or COSCA about our services. You can do this as well as complaining to us, or instead. **Please note:** - you can only contact COSCA once our

internal Complaints' Procedure has been concluded within one month of the complaint outcome.

COSCA will verify that the members' procedure has been followed and that the outcome was lawful, reasonable and properly explained.

If you want to complain contact details are as follows:

West Lothian Council

West Lothian Alcohol & Drug Partnership
Commissioning & Programmes Team (Social Policy)
West Lothian Civic Centre
1st Floor South Wing
Howden South Road
Livingston
EH54 6FF

NHS Lothian

Complaints Officer
NHS Lothian
Waverley Gate
2-4 Waterloo Place
Edinburgh
EH1 3EG

Telephone: 0131 536 3370

E-mail: Complaints.Team@nhslothian.scot.nhs.uk

For further information about the NHS Lothian Complaints' Procedure visit their website at www.lothianhealth.scot.nhs.uk and follow link on 'Your Rights'.

COSCA

Complaints Officer
COSCA
16 Melville Terrace
Stirling
FK8 2NE

Telephone: 01786 475140

A copy of COSCA's Complaints' Procedure can be seen under "Complaints" on their website at www.cosca.org.uk

Information Commissioners Office – Scotland

45 Melville Street, Edinburgh EH3 7HL
Telephone: 0131 224 9001
Website: ico.org.uk

The ICO will be able to assist you if you are unsatisfied with the outcome.

8. Organisations who can support you in making a complaint

The following organisations may be able to offer you independent advice and support to make a complaint

Citizens Advice Bureau

Website: www.cas.org.uk

There are a number of different CAB offices and outreach services in the Lothians. For details of all local services, go to the website. You can also call 03454 040506 to access the Consumer Advice Line.

Advocacy Services

There are number of different Advocacy Services in the Lothians, for details of all local services to NHS Lothian website: www.nhs.scot.uk/HealthInformation/Advocacy

Mental Health Advocacy Project (West Lothian)

Mental Health Resource Centre
Strathbrock Partnership Centre
189A West Main Street
BROXBURN, EH52 5LH
Telephone: 01506 857230
E-mail: admin@mhap.org.uk

9. Review & Monitoring

- 9.1 The General Manager is responsible for ensuring that all staff and volunteers who are covered by this policy read and understand it and sign that they have done so.
- 9.2 The General & Deputy Managers are responsible for the implementation and monitoring of this policy on an operational basis.
- 9.3 The General Manager has responsibility for reviewing this policy every 2 years or sooner if there are changes in legislation or good practice. In doing so they must highlight to the Board of Management any significant issues that have arisen in the implementation of this policy, any changes required, the rationale for these changes and any impacts this may have on the organisation.
- 9.4 When the Board of Management are satisfied with the policy a member of it will sign it off on their behalf every 2 years or sooner as outlined above.

Signed (on behalf of the Board)

Date Review Date