

Complaints Policy and Procedure

December 2022

Policy Reference Information

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Author	Jane Ferguson
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Related Policies

Policy Title
Privacy Policy
Confidentiality Policy tbc
Whistleblowing Statement
Safeguarding Policy tbc

Introduction

NHS Lothian Charity (the Charity) is committed to continuously improving its service to donors, supporters and members of the public, working in an open and accountable way that builds trust and respect and adheres to best practice. We always aim to treat our donors, supporters and other stakeholders with the highest level of care and respect. However, we recognise that on occasion we may not meet their expectations or our own high standards.

An effective complaints management system is a proven way of maintaining and building relationships with the people on whom the Charity depends.

Handling complaints transparently and well:

- Demonstrates our commitment to our supporters and other stakeholders
- Demonstrates our commitment to providing the best possible service
- Helps us to find out about things that may have gone wrong so we can fix them
- Helps us to prevent things going wrong in future.

This document sets out the Charity's policy for recognising and dealing with complaints. It sets out the procedure to be followed by those wishing to make a complaint and explains how we will respond. The policy covers complaints about any area of the Charity's work and reflects our commitment to the Fundraising Code and the Fundraising Guarantee.

Although a few complaints may be vexatious and/or unfounded, the majority are made because the person making the complaint actually cares about the Charity. We understand that a person's perceptions cannot be wrong. We will respond to how a person has perceived the situation. It is far better to receive a complaint, handle it well and thereby ensure a happy supporter than to lose donors by not taking their concerns seriously. Without complaints we can often fail to appreciate our own shortcomings, so they are an important part of our supporter care service.

Complaints related to the delivery of treatment and care by NHS Lothian are not covered by this policy. All such complaints must be made to NHS Lothian using its own [complaints policy and process](#).

1. Our Aim

- 1.1. This policy aims to:
 - provide a fair complaints procedure which is clear and easy to use
 - ensure our complaints procedure is freely accessible so that people know how to make a complaint
 - ensure all complaints are investigated in a timely manner
 - make sure that complaints are, wherever possible, resolved quickly, fairly and effectively, and that relationships are repaired
 - ensure that we learn from complaints and other feedback which helps us to improve what we do
- 1.2. The Charity recognises that occasionally people may be dissatisfied or concerned about their interactions with the Charity or its fundraisers, and we hope that problems can be reconciled between the parties concerned. If not, then we aim to resolve any complaints quickly, fairly and effectively. All complaints will be dealt with in strict confidence.
- 1.3. The policy aims to offer redress to substantiated complaints and to enable us to revise and review our practices and correct any shortcomings that are within our control in response to concerns.
- 1.4. We also recognise that one of the ways in which we can improve the services that we provide is by listening and responding to the views of our community and stakeholders and, in particular, responding positively to complaints, and by putting mistakes right.

2. Definitions

- 2.1. A complaint is defined as 'an expression of dissatisfaction whether justified or not'¹. It can be further defined as 'an expression of dissatisfaction, written (by post or email) or verbal (by telephone or face to face), which required investigation, action (if appropriate) and/or follow up verbally or in writing.'

¹ British Standard (BS8543)

2.2. The Fundraising Regulator and Institute of Fundraising's Code of Fundraising Practice states (1.6):

- a) Organisations MUST have a complaints procedure which MUST also apply to any Third-Party fundraising on their behalf.
- b) Organisations MUST respond to any complaints from donors, beneficiaries or other parties in a timely, respectful, open and honest way.
- c) Organisations MUST ensure that the learnings from any complaints are acted upon.

2.3. Reasons for making a complaint might include:

- A failure of an activity, service or system which affects an individual or a group of people, causing inconvenience, upset or loss
- Marketing/fundraising collateral which is misleading, inaccurate or has caused upset or offence
- Personal contact with a staff member or representative of the Charity which was inaccurate or misleading or which has caused upset or offence.

3. Scope

3.1. Fundraising is performed both by employees of NHS Lothian including Charity team members and by selected third parties on our behalf. This policy will apply equally to complaints directly concerning the Charity and those relating to fundraising on its behalf.

3.2. This policy applies to staff and Trustees who may find themselves required to receive, initially respond to, investigate and/or resolve a complaint, and ensure that learnings are acted upon, and procedures revised and implemented to avoid further complaints in future.

3.3. This will include all activities and services delivered and/or managed by the Charity including fundraising, grantmaking, arts, greenspace.

3.4. The following would not be dealt with as complaints under this policy:

- A complaint made by an employee about any matter relating to their employment
- A complaint which is made orally and resolved to the complainant's satisfaction no later than the next working day
- A simple request for removal from the Charity's database
- A request for other data markers to be removed or corrected
- A change of address

- A comment or remark with no response expected/required.

3.5. All complaints should be registered within one month of the event leading to the complaint or of you becoming aware of a cause for complaint. However, we recognise that each case needs to be judged individually, and for complaints that fall outside of the time limits, the Charity may exercise its discretion to apply the complaints procedure.

4. Handling Verbal Complaints

4.1. Complaints are often verbal, usually on the phone. These can be quite difficult for the complainant and the recipient of the call. We will aim to:

- Remain calm and respectful throughout the conversation
- Listen – allowing the complainant to “let off steam” in their own words
- Not enter into a debate or discussion about the merits of the complaint
- Show an interest
- Ask for clarification if needed
- Show that we have understood the complaint by confirming it back
- Acknowledge the strength of feeling of the complainant without forming a judgement about its merits before it has been investigated
- If it is obvious that an apology is warranted, then we will apologise
- Ask the person what they would like done to resolve the issue
- Be clear about the procedure, how long it will take and what is involved
- Not promise anything that cannot be delivered
- Thank the person for taking the time to contact the Charity and stress how seriously we treat all feedback

5. Recording and Reporting

5.1. Keeping clear and accurate records of complaints is important and the Charity will retain formal complaint records for six years, in a Complaints Log which will include:

- Date complaint received
- Date of incident complained of
- Brief description of incident
- Preferred method of contact
- Nature of complaint
- Date investigation concluded
- Outcomes, action or learning that results

5.2. A summary of the Complaints Log will be reviewed periodically by the Charity's Trustees, detailing:

- Number of complaints received in the previous twelve-month period
- Number of complaints received which were upheld
- Nature and extent of complaints / key themes raised
- Lessons learnt and actions taken to improve services as a result of complaints made
- Number of cases which the Charity has considered and which have been referred to the Scottish Fundraising Standards Panel or Scottish Charity Regulator
- Praise and other feedback and how that information has been shared.

6. Confidentiality and Anonymity

6.1. All complaints will be dealt with in strict confidence.

6.2. Complainants are entitled to remain anonymous if they prefer. However, we do suggest that they give us their name and contact details so that we can fully investigate the complaint and report back.

6.3. Any personal details will be kept fully confidential, in accordance with data protection legislation, and only be shown to people who need to see them in order to investigate the complaint.

7. Advocates / Representatives

7.1. We are happy to receive a complaint through an advocate or representative, if they know full details relating to the case. If someone else writes the complaint on the complainant's behalf the complainant should sign the report to confirm that the contents are accurate and true.

8. Malicious Complaints

8.1. A malicious complaint may be defined as a complaint made under this policy which the complainant knew to be false, or that a reasonable person ought to have known to be false. Insufficient evidence to prove a complaint does not mean that the complaint was submitted in bad faith.

8.2. The Charity will accept any complaint in good faith. However, complaints made on

the basis of discrimination, or malicious or vexatious complaints will not be tolerated. In identifying malicious or vexations complaints, the Charity will give careful consideration to the merits of the complaint, to ensure it can satisfy, as far as possible, as to the falsity or otherwise of a complaint raised. This will not apply to genuine complaints.

Complaints Procedure

How to make a complaint

A complaint can be made using the following contact details:

- By email: charity@nhsllothian.scot.nhs.uk
- By telephone: 0131 465 5850
- By post: NHS Lothian Charity, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

Complaints should be clearly marked as a complaint.

(A number of support organisations can help and give advice to individuals that do not feel confident or require support in presenting their complaint eg, Lothian Advocacy.)

Informal Complaint

If an informal complaint is made (ie verbally, bringing a matter to our attention but not wanting to make a formal complaint), we will respond within seven working days, either in a face to face meeting or by telephone. This will be recorded for our records, but we will not give a written response.

Where a complainant remains dissatisfied with the response or does not wish for their complaint to be handled informally, then they should be asked to make a formal complaint.

Formal Complaints

The formal complaints procedure should only be followed if the complaint cannot be resolved informally or if the complaint is more appropriately addressed through a formal process.

Stage 1

A complaint can be communicated to the Charity by any channel including telephone, mail, email, social media or in person.

On receiving a complaint, by whatever means, this will be recorded on the Charity's Complaints Log by way of a complaint recording form (detailed in Appendix 1) and the relevant line manager informed.

The log entry will include the name and contact details of the complainant and their relationship with the Charity (eg: service user, donor, event participant, customer or volunteer) together with details of the nature of their complaint and the date of the incident giving rise to it.

An acknowledgment will be sent to the complainant no later than five working days from receipt to confirm that the complaint will be investigated and to outline the complaints procedure and explain the process, including timescales for responding. During this period, the complainant may be asked to provide further information if this is required.

The complaint will be investigated by a relevant person (and not by any person named or involved in the complaint). The outcome will be approved by the relevant line manager.

A formal response will be sent within ten working days of the complaint being received. If this is not a final report then the response will indicate progress so far and give a likely timescale within which a full response will be issued.

Stage 2

If the complainant is unhappy with the outcome of the investigation and the final outcome, they may at this stage escalate the complaint to the Charity Director, with copies of all correspondence and case documentation. The Director will then decide whether or not to uphold the Stage 1 response.

Within ten days, the Director will write to the complainant with their final decision and the reasons for it. Whether the complaint is upheld or not, the reply to the complainant should describe what action will be taken as a result of the complaint.

If the complainant is still not happy, then the case will be escalated to Stage 3 and the complainant should be informed that this is the case

Stage 3

At this stage, the complaint will be escalated to Chair of Trustees with copies of all correspondence and case documentation. The Chair of Trustees will consider all the facts afresh and then decide what the final response of the Charity will be.

Within ten days the Chair of Trustees will write to the complainant with this final decision and the reasons for it.

This decision will be final. However the complainant may contact the [Scottish Fundraising Standards Panel](#) or [Office of the Scottish Charities Regulator \(OSCR\)](#) for further advice if they are still unhappy.

Appendix 1 – Complaint Form

Name of complainant	
Complainant's contact details Tel. No.	
Address	
Relationship of complainant to the Charity e.g. service user, donor, event participant, customer or volunteer.	
Date complaint received	
Who received the complaint	
Complaint referred to	
Was the informal or formal procedure used	
Date of meeting or phone call to hear complaint	
Description of complaint	
Action taken e.g. apology, investigation, management action, changes to procedures	
Complainant informed of next steps – verbally / in writing	
Does the complainant wish to take any further action? If yes, how will this be handled?	
Signed (manager hearing the complaint)	Date
Signed (Charity Director)	Date