

## Seal Dunfermline Complaints Policy and Procedure (incorporating Data Protection Complaints)

### 1. Introduction

- 1.1 Seal Dunfermline is committed to providing the best possible services to children, young people, their parents and carers and our community.
- 1.2 Should someone be unhappy with the service they have received, the information they have received or the actions of someone representing Seal Dunfermline (including those pertaining to data protection), they have a right to address their concerns and for those concerns to be heard.
- 1.3 Seal Dunfermline would encourage individuals to raise the issue informally, in the first instance, perhaps with a member of staff they have most contact with, to see if the matter can be resolved quickly and effectively.
- 1.4 If an informal resolution cannot be reached, or the approach outlined in 1.3 is not appropriate, then an individual has the right to make a complaint.
- 1.5 Seal Dunfermline will ensure that this complaints policy and procedure (see Appendix A for the flow chart) is accessible to staff, volunteers, stakeholders and service users. This information will be made available through the main office and via our website.
- 1.6 All staff and volunteers will be informed of this policy during their induction to ensure they can share this knowledge should the need arise.
- 1.7 This complaints procedure is not limited to the children and their families (or their advocates) we work with but could extend to external agencies acting in the interests of the children and their families.
- 1.8 Seal Dunfermline would encourage them to bring a friend or relative to support them in their discussions, if it would help.
- 1.9 If an informal discussion does not resolve the issue, a **complaints form** (see Appendix A) can be obtained from the Seal Dunfermline offices, mailed out, or obtained electronically via our contact number.
- 1.10 All completed forms should be returned to the address on the bottom of the form.
- 1.11 Alternatively, a letter would be acceptable; please clearly indicate that the letter is in relation to a complaint.

### 2. Guiding principles

- 2.1 Seal Dunfermline value complaints and uses the information from them to help us improve our services.
- 2.2 Our core values are used in our complaints handling process, such as:
  - Acknowledging that everyone has a basic right to be heard.
  - Listening to others.
  - Respecting others.
  - Valuing others.
- 2.3 No one will suffer any detrimental effect by making a complaint.

- 2.4 It will be a disciplinary offence if staff or volunteers apply undue influence in the prevention of a complaint.
- 2.5 Fairness - Both you and the person being complained about are given the opportunity to present their version of events and to provide evidence to support that position. The individual or panel handling or investigating the complaint will remain impartial.
- 2.6 Transparency – Both you and the person being complained about will be informed about how the complaint is being handled, the timescales and any extensions required and the reasons for the decision relating to the complaint outcome.
- 2.7 Efficiency - We understand that the complaints process may be stressful for both you and the person being complained about. Any complaint will therefore be dealt with as quickly as possible and in line with our Complaints Handling Procedure timescales.

### **3. Right to privacy**

- 3.1 Seal Dunfermline has a comprehensive Data Protection Policy that outlines a person's right to privacy, confidentiality and when we would break that confidence.
- 3.2 Confidentiality and trust is important in the complaints process. Your wishes in respect of confidentiality will be respected and handled in a sensitive manner e.g., we will limit disclosure to staff members who need to know of the complaint.
- 3.3 If we feel, as an organisation, that lessons can be learned from the complaint we will ask for express permission from you before using any detail of the complaint to meet the future training needs of staff or volunteers.
- 3.4 All records pertaining to a complaint will be destroyed 6 months after the complaint is resolved unless we have a legal reason to keep it for longer.
- 3.5 The duty of confidentiality in certain circumstances may be limited by Seal Dunfermline's legal and regulatory obligations.

### **4. Data Protection Complaints**

If someone considers that their data protection rights have been infringed because of the way Seal has handled their personal information (or the personal information of someone they're acting on behalf of), they have the right to complain. Such complaints will be dealt with in accordance with the process and timescales set out in this policy.

### **5. Stage one**

- 5.1 The complaint will be acknowledged within 5 working days and a nominated Trustee will carry out a full investigation into the circumstances surrounding the complaint.
- 5.2 The target time for responding in full to a complaint is 20 working days.
- 5.3 Should the complaint be more complicated a delay may be unavoidable; this will be explained fully to you.

- 5.4 If the complaint is upheld, Seal Dunfermline will issue a full apology, and explain any further actions that have been taken to resolve the situation.
- 5.5 Seal Dunfermline aim to achieve full resolution at the earliest possible stage.
- 5.6 The initial response will inform you of your right to ask for a review should you not be satisfied with the outcome of stage one. Details of how to do this will be provided.
- 5.7 If the complaint is regarding a Seal Dunfermline Manager, you should go directly to stage two.

## **6. Stage two reviewed under the direction of the Chairperson of the Board**

- 6.1 Should you feel the issue has not been fully resolved; a further request for a review will be conducted under the direction of the Chairperson of the Board of Trustees.
- 6.2 The Chairperson will ensure that the process has been carried out properly and will check that the fundamental issues have been investigated fully.
- 6.3 Seal Dunfermline Chairperson will check that the fundamental point of the complaint has been addressed and look at any outstanding issues raised by you.
- 6.4 The Chairperson will acknowledge your complaint within 5 working days.
- 6.5 The review will be sent out within 20 working days.
- 6.6 The review will provide a full response, which will contain sufficient information to show that the complaint has been fully investigated, with an apology if appropriate.
- 6.7 Information will be given for a further review, if needed.

## **7. Stage three reviewed by an Independent Adjudicator**

- 7.1 You are entitled to go to an independent person when:
  - All stages of Seal Dunfermline complaints procedure have been exhausted.
  - You are not happy with the outcome.
- 7.2 This person is called an Independent Adjudicator; Seal Dunfermline would recommend their Fife Council Link Officer.
- 7.3 A request for a stage three review should be made within 1 month of receiving the stage two review.
- 7.4 It will become more difficult to constructively resolve the issue if the gap between the original complaint and the review is too long.
- 7.5 Requests made outside of this period will be considered if there are extenuating circumstances.
- 7.6 The Independent Adjudicator will conduct a review of the investigation to ensure:
  - The investigation has been conducted in line with the stated procedure.
  - The investigation has been handled fairly.
  - The Adjudicator will not comment on the substance of a complaint.
- 7.7 Should the Adjudicator find that the stated procedure was not followed or that the matter has not been handled fairly, the Adjudicator will specify why and may give

**7.8** The decision of the Independent Adjudicator is final.

**APPENDIX A**

**Seal Dunfermline Complaints Procedure Flow Chart**

<b>Can the complaint be resolved informally?</b>	
No	Yes
<b>Stage 1 Seal Dunfermline nominated Trustee</b>	No further action required
Complaint acknowledged within 5 days, with a view to a full response within 20 days	
If the complaint is against the Manager go to stage 2	
<b>Is the Complaint resolved?</b>	
No	Yes
	No further action required
<b>Stage 2 Representative of the Board</b>	
Complaint acknowledged within 5 days, with a view to a full response within 20 days	
<b>Is the Complaint resolved?</b>	
No	Yes
	No further action required
<b>Stage 3 Final Process Independent Adjudicator</b>	
Complaint acknowledged within 5 days, with a view to a full response within 20 days	
Adjudicator decision followed	Seal Dunfermline decision upheld
Seal Dunfermline decision disputed – Seal Dunfermline to follow recommendations of Adjudicator	No further action required

**Seal Dunfermline Complaints Form**

<b>NAME:</b>
<b>DATE:</b>
<b>NAME OF PERSON TAKING THE COMPLAINT:</b>
<b>Complainants name:</b>
<b>Telephone number:</b>
<b>Email:</b>
<b>Name of Activity/Process/Service/Person concerned:</b>
<b>Please detail the complaint:</b>
<b>Who have you spoken to about your complaint?</b>
<b>What do you think should be done to put things right?</b>

**Signed (Complainant)** \_\_\_\_\_

**Date** \_\_\_\_\_

**Signed (Seal Dunfermline contact person)**  
\_\_\_\_\_

**Date** \_\_\_\_\_

**Please return to:**

Seal Dunfermline (Private and Confidential)  
12 Halbeath Road  
Dunfermline  
KY12 7QX

**Or email**

[office@sealdunfermline.org.uk](mailto:office@sealdunfermline.org.uk)