



ESSENTIAL DRUG & ALCOHOL SERVICES

COMPLAINTS & COMPLIMENTS POLICY & PROCEDURE

Date of Adoption: October 2018 – Board Meeting 4 Signed: Lynda Clarke (EDAS Chair)

Date of next review: Board Meeting 4 - 2021 By Whom: EDAS Board of Trustees

EDAS will treat complaints seriously and ensure that complaints, concerns and issues raised by service users, relatives and carers are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant by EDAS.

The key issues taken into consideration when formulating this policy are that a complainant needs to:

- Know how to complain;
- Feel confident that their complaint will be dealt with seriously.
- Understand that their concerns will be investigated, and they will be informed of the findings of that investigation.
- Trust that EDAS will learn from complaints, feedback and praise and apply those lessons whilst also learning from and sharing best practice.

1 Aims

We are committed to *high quality care for all* as a core principal of our vision and purpose. We will ensure that service users and their representatives can seek advice, provide feedback or make a complaint about the services we provide or the policies we have developed and implemented.

When dealing with complaints we aim to adhere to EDAS' value's principles and follow the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the 'Good Practice Standards for NHS Complaints Handling' (Sept 2013) outlined by the Patients Association:

- Openness and Transparency – well publicised, accessible information and processes, and understood by all those involved in a complaint.
- Evidence based complainant led investigations and responses. This will include providing a consistent approach to the management and investigation of complaints.
- Logical and rational in our approach.
- Sympathetically respond to complaints and concerns in appropriate timeframes.
- Provide opportunities for people to offer feedback on the quality of service provided.
- Provide complainants with support and guidance throughout the complaints process.

- Provide a level of detail appropriate to the seriousness of the complaint.
- Identify the causes of complaints and to act to prevent recurrences.
- Effective and implemented learning - use 'lessons learnt' as a driver for change and improvement.
- Ensure that the care of complainants is not adversely affected because of making a complaint.
- Ensure that EDAS meets its legal obligations.
- Act as a key tool in ensuring the good reputation of EDAS.

The complaints system also incorporates the Parliamentary and Health Service Ombudsman Principles of Good Complaints Handling (2009), My Expectations (2014) and the NHS Constitution which includes a number of service user rights relating to complaints. In summary, these include a service users' rights to:

- Have their complaint acknowledged and properly investigated.
- Discuss the way the complaint is to be handled and know the period in which the complaint response is likely to be sent.
- To be kept informed of the progress and to know the outcome including an explanation of the conclusions and confirmation that any action needed has been taken on.
- Take a complaint about data protection breaches to the independent Information Commissioners Office (ICO) if not satisfied with the way EDAS has dealt with this.

2 Definition of a complaint or concern

A complaint or concern is an expression of dissatisfaction about an act, omission or decision of EDAS, either verbal or written, and whether justified or not, which requires a response.

3 Scope

This policy applies to the handling of complaints or concerns relating to directly commissioned services or services provided by EDAS.

4 Who can make a complaint?

A complaint may be made by the person who is affected by the action, or it may be made by a person acting on behalf of a service user in any case where that person:

- is a child; (an individual who has not attained the age of 18). In the case of a child, we must be satisfied that there are reasonable grounds for the complaint being made by a representative of the child, and furthermore that the representative is making the complaint in the best interests of the child.
- has died;

In the case of a person who has died, the complainant must be the personal representative of the deceased. EDAS needs to be satisfied that the complainant is the personal representative. Where appropriate we may request evidence to substantiate the complainant's claim to have a right to the information.

- has physical or mental incapacity; In the case of a person who is unable because of physical capacity or lacks capacity within the meaning of the Mental Capacity Act 2005, to make the complaint themselves, EDAS needs to be satisfied that the complaint is being made in the best interests of the person on whose behalf the complaint is made.
- Has given consent to a third party acting on their behalf; In the case of a third party pursuing a complaint on behalf of the person affected we will request the following information:

- Name and address of the person making the complaint;
- Name and either date of birth or address of the affected person; and
- Contact details of the affected person so that we can contact them for confirmation that they consent to the third party acting on their behalf.

This will be documented on the complaint logging form and confirmation will be issued to both the person making the complaint and the person affected.

- Has delegated authority to act on their behalf, for example in the form of a registered Power of Attorney which must cover health affairs.
- Is an MP, acting on behalf of and by instruction from a constituent.

If the Line Manager, CEO or member of the SMT believes a representative does or did not have enough interest in the person's welfare, or is not acting in their best interests, we will notify that person in writing.

5 Complaints that cannot be dealt with under this policy

The following complaints will not be dealt with under the Policy:

- A complaint made by any organisation or private or independent provider or responsible body.
- A complaint made by an employee about any matter relating to their employment.
- A complaint, the subject matter of which has previously been investigated under these or previous EDAS policies.
- A complaint which is made orally and resolved to the complainant's satisfaction no later than the next working day.
- A complaint arising out of EDAS' alleged failure to comply with a request for information under the Freedom of Information Act 2000.

6 How to complain

Information about giving feedback or making a complaint can be found on EDAS' website: www.edasuk.org

A complaint can be made:

By telephone: to the relevant project – see EDAS website for direct telephone numbers.

By email: Mindy.bartlett@edasuk.org

By post: EDAS, 56 Ashley Road, Parkstone, Poole, Dorset, BH14 9BN

EDAS will endeavor to make the necessary reasonable adjustments to receive, investigate and respond to any complaint. For people whose first language is not English, we have access to a translation and telephone interpreting service. We can also accept and respond to complaints in alternative formats such as braille.

7 Timescales for making a complaint

Complaints must be made not later than:

- twelve months after the date on which the matter which is the subject of the complaint occurred; or
- twelve months after the date on which the matter which is the subject of the complaint came to the notice of the complainant.

If there are good reasons for not having made the complaint within the above timeframe and, **if it is still possible to investigate the complaint effectively and fairly**, EDAS may decide to still consider the complaint.

8 The EDAS complaint process

All complaints will be logged on a complaint logging form and entered onto the complaints database, (If the complaint has been made verbally, the complainant should be given a copy of their verbal statement which is considered the formal complaint and asked to confirm that it represents the issues they wish to raise) the complaint will be acknowledged no later than five working days after the day the complaint is received (the acknowledgement will be made either by telephone, email or letter) and an offer will be made, as appropriate, to discuss with the complainant the following:

- An action plan for handling the complaint.
- Timescales for responding.
- The complainants' expectations and desired outcome.
- Information in relation to the provider of independent advocacy services in their geographical area.
- Consent for EDAS to handle the complaint if your complaint requires input or investigation from parties or organisations outside of EDAS

The complainant can expect that:

- They will be kept up to date with the progress of their complaint.
- If a case has passed the 40-working day target, the complainant (and advocate if relevant) should receive updates every 10 working days thereafter the target has been surpassed. This could be by telephone, email or letter but the format should be agreed with the complainant
- They can expect to receive a quality response with assurance that action has been taken to prevent a recurrence.
- They will be informed of any learning.

Our response to a complainant will be wherever possible by their preferred method of communication (email correspondence will only be responded to by email when the complainant has expressly requested this as their method of communication and security measures will be implemented in line with office policy to protect personal information sent via email).

On receipt of the investigation report a response to the complaint will be prepared will include information on the next stages of the complaints procedure should the complainant wish to take matters further.

Where complaints involve more than one body, discussions will take place between the bodies concerned about the most appropriate body to take the lead in coordinating the complaint and communicating with the complainant.

Where EDAS receives a complaint involving several bodies, permission will be sought from the complainant before sharing or forwarding a complaint to another body. Consent will need to be obtained to forward the complaint to any provider.

As soon as it is reasonably possible after completing the investigation, and within the timescale agreed with the complainant, EDAS will send a formal response in writing to the complainant which will be signed by the project Manager, Deputy CEO or CEO.

The response will include:

- An explanation of how the complaint has been considered.
- An apology if appropriate
- An explanation based on facts.
- Whether the complaint in full or in part is upheld.
- The conclusions reached in relation to the complaint including any remedial action that the organisation considers to be appropriate.
- Confirmation that the organisation is satisfied any action has been or will be actioned.
- Where possible, we will respond to people about any lessons learnt.
- Information and contact details of Public Health Dorset and the EDAS Board of Trustees as the next stage of the EDAS complaints process.

Keeping clear and accurate records of complaints is important and these should be retained for a period of 3 years from receipt of the complaint.

9 COMPLIMENTS

Obviously EDAS hopes that there will be more compliments than complaints and welcomes feedback from satisfied service users.

Written compliments will be acknowledged in writing to the sender and the original letter placed in the compliments file, compliments received may be used in the contract reporting, keeping any personal details anonymous. A photocopy will be placed in the workers personnel file, where appropriate.

Verbal compliments will be discussed with the team or worker concerned and written up and placed in personnel file, where appropriate.

Appendix 1

Role	Key Responsibilities
<p>Project Managers: 54a Ashley Road, Parkstone, Poole, BH14 9BN</p>	<p>Management of procedures for handling complaints and concerns.</p> <p>Investigating and resolving complaints about EDAS services in line with the EDAS policy.</p> <p>Delegated responsibility for signing off complaint responses on behalf of EDAS.</p> <p>Use complaints information to assist organizational learning.</p> <p>Record details of the complaint on the complaint logging form (appendix 3), the outcome and any learning from the complaint on the complaints database.</p> <p>Seek support if needed for the response to particular issues requiring specialist knowledge.</p> <p>Explain the complaints process to a complainant.</p> <p>Facilitate the resolution of any complaints received.</p> <p>Attempt to resolve informally wherever appropriate to do so.</p>
<p>Deputy CEO: 56 Ashley Road, Parkstone, Poole, BH14 9BN</p>	<p>Management of procedures for handling complaints and concerns.</p> <p>Investigating and resolving complaints about EDAS services in line with the EDAS policy.</p> <p>Delegated responsibility for signing off complaint responses on behalf of EDAS.</p> <p>Use complaints information to assist organizational learning.</p> <p>Record details of the complaint on the complaint logging form(appendix 3), the outcome and any learning from the complaint on the complaints database.</p> <p>Seek support if needed for the response to particular issues requiring specialist knowledge.</p> <p>Explain the complaints process to a complainant.</p> <p>Facilitate the resolution of any complaints received.</p> <p>Attempt to resolve informally wherever appropriate to do so.</p> <p>Deal with any complainant where escalation has been requested following a formal response from a member of the SMT or a Project Manager.</p> <p>Support the CEO in considering emerging themes and learning from the complaints reporting mechanism and identify service improvements as a result of complaints and concerns being raised.</p> <p>To take on the duties of the CEO in their absence.</p>

<p>CEO: 56 Ashley Road, Parkstone, Poole, BH14 9BN</p>	<p>Overall day to day accountability within EDAS for ensuring that the EDAS Complaints Policy meets the needs of complainants and EDAS.</p> <p>Responsible for investigating escalated complaints, signing responses and approving outcomes.</p> <p>Report on complaints to the EDAS Board of Trustees annually and provide details of outcomes and learning/changes in working practices as a result.</p> <p>Oversee any escalation of a complaint to the Board of Trustees or Public Health Dorset, supporting relevant EDAS staff who may be involved.</p> <p>Write to complainants after escalation of their concerns to the Board of Trustees with details of any action being taken as a result of the Boards and Commissioners recommendations.</p>
<p>EDAS Board of Trustees: c/o 56 Ashley Road, Parkstone, Poole, BH14 9BN</p>	<p>Re-examine any concerns out to it and will produce a report which sets out the results of their investigation along with the conclusions and any appropriate comments or suggestions.</p> <p>Send the complainant a copy of their report as well as Public Health Dorset.</p>
<p>Public Health Dorset: Princes House, Princes Street, Dorchester DT1 1TP</p>	<p>Investigate any cases that have been escalated beyond the EDAS framework.</p> <p>Provide detailed reports of the investigation, findings and recommendation to EDAS.</p> <p>Provide a response to the claimant.</p>

Appendix 2: Guidance for dealing with persistent and unreasonable contact

1. Introduction

This guidance covers all contacts, enquiries and complainants. It is intended for use as a last resort and after all reasonable measures have been taken to try and resolve a complaint within the EDAS Complaints Policy.

Persistent contact may be because of individuals having genuine issues and it is therefore important to ensure that this process is fair and the complainant's interests have been taken into consideration.

2. Purpose of the guidance

To assist the organisation to identify when a person is persistent or unreasonable, setting out the action to be taken.

3. Definition of persistent and unreasonable complainants

There is no one single feature of unreasonable behaviour. Examples of behaviour may include those who:

- Persist in pursuing a complaint when the procedures have been fully and properly implemented and exhausted.
- Do not clearly identify the precise issues that they wish to be investigated, despite reasonable efforts by staff, and where appropriate, the relevant independent advocacy services could assist to help them specify their complaint.
- Continually make unreasonable or excessive demands in terms of process and fail to accept that these may be unreasonable e.g. insist on responses to complaints being provided more urgently than is reasonable or is recognised practice.
- Continue to focus on a 'trivial' matter to an extent that it is out of proportion to its significance. It is recognised that defining 'trivial' is subjective and careful judgment must be applied and recorded.
- Change the substance of a complaint or seek to prolong contact by continually raising further issues in relation to the original complaint. Care must be taken not to discard new issues that are significantly different from the original issue. Each issue of concern may need to be addressed separately.
- Consume a disproportionate amount of time and resources.
- Threaten or use actual physical violence towards staff.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion (this may include written abuse e.g. emails).
- Repeatedly focus on conspiracy theories and/or will not accept documented evidence as being factual.
- Make excessive telephone calls or send excessive numbers of emails or letters to staff.

4. Actions prior to designating a persons' contact as unreasonable or persistent.

It is important to ensure that the details of a complaint are not lost because of the presentation of that complaint. There are several considerations to bear in mind when considering imposing restrictions upon a complainant.

These may include:

- Ensuring the persons' case is being, or has been dealt with appropriately, and that reasonable actions will follow, or have followed, the final response.
- Confidence that the person has been kept up to date and that communication has been adequate with the complainant prior to them becoming unreasonable or persistent.
- Checking that new or significant concerns are not being raised, that requires consideration as a separate case.
- Applying criteria with care, fairness and due consideration for the client's circumstances – bearing in mind that physical or mental health conditions may explain difficult behaviour. This should include the impact of bereavement, loss or significant/sudden changes to the complainant's lifestyle, increased or decreased substance misuse, quality of life or life expectancy.
- Considering the proportionality and appropriateness of the proposed restriction in comparison with the behaviour, and the impact upon staff.
- Ensuring that the complainant has been advised of the existence of the policy and has been warned about and given a chance to amend their behaviour.

Consideration should also be given as to whether any further action can be taken prior to designating the persons' contact as unreasonable or persistent.

This might include:

- Raising the issue with a Project Manager with no previous involvement, in order to give an independent view.
- Where no meeting with staff has been held, consider offering this at a local level as a means to dispel misunderstandings (only appropriate where risks have been assessed).
- Where multiple projects are being contacted by the complainant, consider a strategy to agree a cross-project approach.
- Consider whether the assistance of an advocate may be helpful.
- Consider the use of ground rules for continuing contact with the complainant.

Ground rules may include: -

- Requiring contact to be made with a named member of staff and agreeing when this should be.
- Requiring contact via a third party e.g. advocate.
- Limiting the complainant to one mode of contact.
- Informing the complainant of a reasonable timescale to respond to correspondence.
- Informing the complainant that future correspondence will be read and placed on file, but not acknowledged.

- Advising that the organisation does not deal with calls or correspondence that is abusive, threatening or contains allegations that lack substantive evidence. Request that the complainant provides an acceptable version of the correspondence or make contact with a third party to continue communication with the organisation.
- Ask the complainant to enter into an agreement about their conduct.
- Advise that irrelevant documentation will be returned in the first instance and (in extreme cases) in future may be destroyed.
- Adopting a 'zero tolerance' policy. EDAS have a standard communication line which states "EDAS operates a zero-tolerance policy, and safety of staff is paramount at all times. Staff have a right to support service users without fear of being attacked either physically or verbally."

5. Process for managing unreasonable or persistent behaviour

Where a persons' contact has been identified as unreasonable or persistent, the decision to declare them as such is made jointly by the CEO/Deputy CEO and Project Manager.

The CEO or Project Manager will write to the complainant, informing them that either:

- Their complaint is being investigated and a response will be prepared and issued as soon as possible within the timescales agreed.
- That repeated calls regarding the complaint in question are not acceptable and will be terminated, or;
- Their complaint has been responded to as fully as possible and there is nothing to be added.
- That any further correspondence will not be acknowledged.

All appropriate staff should be informed of the decision so that there is a consistent and coordinated approach across the organisation.

If the declared complainant raises any new issues, then they should be dealt with in the usual way.

Review of the persistent status should take place at six monthly intervals.

6. Urgent or extreme cases of unreasonable or persistent behaviour

In urgent or extreme cases, adopt safeguarding and zero tolerance policies and procedures. Discuss the case with the SMT or Deputy CEO or CEO to develop an action plan that may include the use of emergency services in some circumstances. In these circumstances, carry out a review of the case at the first opportunity after the event.

7. Record keeping

Ensure that adequate records are kept of all contact with unreasonable and persistent contact.

Consideration should be given as to whether the organisation should take further action, such as reporting the matter to the police, taking legal action, or using the risk management or health and safety procedures to follow up such an event in respect of the impact upon staff.

Complaint logging form



Key Details required:

Raised by	
Date and time received	
Complaint Reference No.	
Service User Name	
Service User Address	
Service User Contact number	
Project complaint refers to	
Description of complaint	
Business Impact- Description of impact on Service Users business/operation	

Priority	Complaint priority 1 – urgent 2- non-urgent
Acknowledgement - Date letter sent	
Owner/assigned person responsible for investigating complaint.	
Service User Contacted – Date and by whom	
Service User Followed up – Date and by whom	
Key Issues/Learning identified	
Long term actions required	
Issues and actions completed – Date and by whom	