



# THE DONALDSON TRUST

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Together we'll  
find your *voice*.

## **Complaints Policy & Procedure**

Version: 4  
Date: May 2024  
Owner: Director of People and Culture

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## Document control

### Version

Version	Date	Owner	Reviewer	Approver	Amend
3	June 2018	Head of Resource & Strategy	CEO	Board	
4	May 2024	Director of People and Culture	Service Leads	ELT	Review and updates

**Next Review Due:** May 2026

This policy will be reviewed following a significant event and as a minimum every two years.

### References:

#### Policies:

Grievance Policy and Procedure  
Disciplinary Policy and Procedure  
Records Management Policy and Procedure

#### Forms:

N/A

#### Records:

Complaint  
Complaint outcome

## Policy Statement

The Donaldson Trust takes a positive approach to any feedback received, it is valued and used as learning opportunity to improve our services.

The purpose of this Complaints Policy and Procedure is to provide a framework through which all those who engage with Donaldsons can raise concerns regarding any part of their service provision or experience and receive feedback on the issues raised.

Upon receipt of a complaint, our policy is to be:

- positive, constructive and consistent,
- fair, impartial and confidential to those involved,
- prompt and time limited,
- clear and easy to understand,
- monitored and evaluated,
- focused on positive outcomes.

Our aim is to enable concerns to be raised and for these to be expressed as openly as possible. This will ensure concerns are addressed at the appropriate level and where possible to prevent escalation into more serious disputes. Complaints will be received in an open and transparent manner and seen as an opportunity to improve our service and experience. We anticipate that the majority of concerns raised will be capable of resolution "at the lowest possible level".

## Scope

This complaints policy covers all complaints made by those using our services, their families/carers/guardians or members of the public.

The following do not fall within the scope of this policy in relation to an individual member of staff:

- any disciplinary process or grievance,
- dealings with a professional regulator (e.g. GTCS, SSSC),
- outside Agencies (e.g. Education Scotland, Care Inspectorate),
- other parties including contractors.

Complaints from staff or volunteers will be dealt with through our Grievance Policy and Procedure.

## What is a Complaint?

Any expression of dissatisfaction about the standard of service, actions, dissatisfaction or lack of action by Donaldsons or its staff will normally be regarded as a complaint.

Complaints may be made verbally or in writing, in person, by telephone, e-mail or letter.

A complaint may relate to, but is not limited to:

- inadequate quality or standard of service,
- failure to uphold the rights of the person using the service, or their relatives or carers,
- dissatisfaction with one of our policies or its impact on the individual,
- failure to apply law, procedure or guidance when delivering a service,
- conduct, treatment by or attitude of a member of staff or contractor,
- disagreement with a decision we made.

Reporting a fault or a problem, or making a suggestion to improve services, is not necessarily a complaint but may be simply a request for service or a suggestion.

### **What can't you complain about?**

Matters that cannot be dealt with under this Complaints Procedure include:

- a routine first time request for a service,
- an initial report of fault,
- a request for compensation only,
- issues that are in court or have already been dealt with in a court or tribunal,
- disagreement with decisions or conditions that we must follow as determined by a court or statutory body,
- a concern about a child or an adult's safety,
- a previously concluded complaint,
- abuse or an unsubstantiated allegation against our organisation or staff.

### **Who can complain?**

Anyone dissatisfied with the service provided or anyone who has any concerns regarding The Donaldson Trust can make a complaint.

Complaints by staff or volunteers will be managed under the Grievance Policy and Procedure.

The Trust takes all complaints seriously including anonymous complaints. Anonymous complaints will be reviewed and investigated if sufficient detail is provided, and in particular where the wellbeing of vulnerable people is concerned. However, in such instances we will be unable to communicate the findings of the investigation and the actions taken to resolve the complaint.

The safety of everybody, and in particular the safety and wellbeing of those we support is paramount. We reserve the right to refer any issues or possible criminal behaviour arising at any time or stage, to the appropriate agency, such as Education Scotland, Care Inspectorate, Local Authorities, Protection Agencies or the Police.

### **How to Complain**

Complaints may be made verbally or in writing, in person, by telephone, e-mail, or letter to any member of our staff. Complaints need not be made to the service that is the subject of the complaint. Any member of staff is able to receive a complaint.

Complaints can be made in writing by email to [complaints@donaldsons.org.uk](mailto:complaints@donaldsons.org.uk), by letter to:

The Donaldson Trust  
Preston Road  
Linlithgow  
EH49 6HZ

or by telephone to: 01506 841 900.

We will also accept complaints made to us directly via direct messaging on social media channels although we reserve the right to not respond to complaints made in generalised open chat forums and threads.

When contacting us, the following details should be shared to enable us to look into your complaint further:

- name
- contact details
- the situation that led to the complaint
- what occurred to necessitate the raising of a complaint
- what the desired outcome is from making the complaint.

## Complaint Timescales

It is important that we investigate complaints as near to the time as possible when the issue arose. This is to allow us to access relevant information and assess the complaint. We will usually only take complaints where the issue arose no more than six months before the complaint is made.

In exceptional circumstances, and at our sole discretion, we may accept a complaint outside this period. If you feel that the time limit should not apply to your complaint, please tell us why.

## Complaints Procedure

### Stage 1 – Frontline Response

We will respond to complaints as promptly as possible, ideally as soon as we are informed of the issue in question. This could be comprised of an apology at the time of notification, acknowledgement that something has gone wrong, and immediate action taken to resolve the issue.

At stage 1, we expect for issues to be resolved within ten working days. If this is not possible due to exceptional circumstances, we will update the complainant about the situation.

If the complainant is not happy with the response during the stage 1 phase, the complaint will be progressed to stage 2 of our Complaints Procedure.

To progress the complaint to stage 2, this must be within 2 months of receiving the stage 1 response.

## **Stage 2 – Investigation**

Stage 2 involves complaints that:

- have not been resolved by the stage 1: frontline response,
- clearly require investigation and have immediately progressed to this stage, or
- the complaint relates to serious or high-risk issue.

We will confirm receipt of the complaint within 3 working days.

An investigating officer, not involved in the complaint but with the necessary knowledge to conduct the investigation, will be appointed. They will be the complainant's main point of contact during the investigation process. The complainant may be contacted by the investigating officer during their investigation to clarify and/or seek further information about the event(s) that occurred.

The investigating officer will aim to complete the investigation as quickly as possible and within 20 working days from the receipt of the complaint, or from when the complaint moves to stage 2. Occasionally, it may not be possible to meet this timescale. If there are clear and justifiable reasons for extending this timescale, the complainant will be informed of the reason for the delay and be provided with a revised date for the investigation's completion.

Where clarification or consent is required for the investigating officer to progress a complaint, the applicable timescales for responding will begin from the day of receipt of this additional information.

### **Outcomes of Stage 2**

On completion of the process, the investigating officer will provide a written response, including:

- a summary of the complaint,
- actions taken to investigate the complaint,
- an outline of findings,
- whether the complaint has been upheld,
- what has been agreed/done to resolve the complaint (where it is appropriate to share this information).

The investigating officer can:

- dismiss the complaint in whole or in part,
- uphold the complaint in whole or in part,
- decide on the appropriate action to be taken to resolve the complaint,
- recommend changes to the organisation's systems and procedures to ensure that problems of a similar nature do not re-occur.

Should this not resolve the issue to the complainant's satisfaction, the complaint can proceed to Stage 3.

### **Stage 3 – Appeal**

If the complainant believes we have made a mistake in our findings and have come to the wrong conclusion, they can submit an appeal.

Appeals can be submitted if the complainant considers that:

- we made our decision based on important evidence that was inaccurate and they can show this using readily available information,
- we have failed to act in accordance with this policy,
- new and relevant information has come to light that was not previously available about the complaint we investigated, and which affects the decision we made.

Appeals must be submitted within 14 calendar days from receipt of the outcome of Stage 2 investigation.

Information submitted under this stage will be reviewed by an independent manager not previously involved in the complaint, who will decide whether to:

- investigate further
- update the outcome letter to reflect the comments received
- make no further changes to the outcome letter.

We aim to conclude the appeal process within 20 working days from the receipt of the appeal. The outcome will be confirmed in writing.

This is a final stage of the complaints process.

## **Vexatious Complaints**

If a complaint has been found to be vexatious (not made with good intent) the Trust will close the complaint and advise of the reasons for this decision. External mediation may be offered in order to agree effective ways of engaging in the future.

## **Complaints to our Regulators**

At any time during the process concerns can be raised independently with the appropriate regulatory body or local authority, and/or assistance sought from independent advocacy services. Details of which can be found below.

### **Care Inspectorate**

Please contact the Care Inspectorate via the details below.

Online Form: <https://www.careinspectorate.com/index.php/online-complaint-form>

Telephone: 0345 600 9527 between 9am and 4pm, Monday to Friday

Email: [concerns@careinspectorate.gov.scot](mailto:concerns@careinspectorate.gov.scot)

### **Local Authority**

If our work with you is under an arrangement with a local authority, you may also complain to the referring Authority. You can find contact information for Scotland's 32 local authorities on the COSLA website (<https://www.cosla.gov.uk/councils>).



## Scottish Government

Complaints about Sensational Learning Centre as a GASS School can be made to the Scottish Government directly, as per Section 70 of the Education (Scotland) Act 1980:

The Scottish Ministers  
Learning Directorate  
Victoria Quay  
Edinburgh  
EH6 6QQ  
E: [EdSSection70@gov.scot](mailto:EdSSection70@gov.scot)

Upon receipt of the complaint, an investigation may be conducted by HM Inspectors of Education (HMIE). For further information on this process, please refer to The role of HM Inspectors of Education in the process - Section 70 of the Education (Scotland) Act 1980: guidance on making a complaint - gov.scot ([www.gov.scot](http://www.gov.scot))

## Advocacy and Support

We understand that some individuals may be unable or reluctant to make a complaint themselves. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if they have been given a signed consent to complain on the individual's behalf.

Independent support or advocacy is available through: .

- Citizens Advice Bureau ([Citizens Advice Scotland](http://Citizens Advice Scotland))
- Scottish Independent Advocacy Alliance (<https://www.siaa.org.uk/>)

We are committed to making sure our services and support are inclusive and we will always ensure that reasonable adjustments are made to help you access and use our services. Anyone having trouble putting their complaint in writing, or requiring information in another format or language, should get in touch with us.

## Confidentiality

Throughout every stage of the complaints process, confidentiality will be respected and maintained, with information only shared where necessary to address the complaint(s) raised. Details of individual complaints are shared only with those involved in their investigation and/or resolution. Identifiable details and outcomes of complaints are circulated only to colleagues involved in the complaint, its investigation and/or resolution.

Please note, details may be amended, and complaints anonymised to share internally with those not involved in the complaint to ensure lessons are learned and further good practice.

If the complaint needs to be referred to the police or an external regulator or body by us, full details will need to be provided to ensure an adequate investigation is conducted, the complainant will be informed of this should it be required.

Reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure, or any other misuse during the complaint handling process. However, the Donaldson Trust cannot give an assurance of absolute confidentiality, given statutory obligations and principles of natural justice. We will comply with relevant legislation in particular the Data Protection Act 2018.

Records pertaining to complaints will be retained and destroyed in accordance with our Records Management Policy and Procedure.