

## **Erskine Complaints policy Care and wider services**

### **Purpose:**

The purpose of this Complaints Policy is to ensure there is a clear and transparent process to inform people who use our services how to raise a concern or to make a complaint regarding the service they received. Additionally, this policy is in place to ensure that complaints are dealt with in a timely and sensitive manner, that we are open and transparent and that the views and experiences of people accessing Erskine's services are used to identify where improvements can be made.

This Policy will describe which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances.

The Policy should be followed at all times by the appropriate, accountable person.

<b>Lead Manager:</b>	Director of Care
<b>Responsible Director:</b>	Director of Care
<b>Approved By:</b>	EMT
<b>Date Approved:</b>	September 2023
<b>Date for Review:</b>	September 2026

## **Complaints Policy**

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## Scope

This Policy applies to all employees and individuals engaged to work or volunteer on Erskine's premises.

For ease of those reading the Policy, it is split into four sections and the response timescales apply across each section:

**Section 1** – for complaints related to care provision or care services

**Section 2** – for complaints related to facilities management and support services i.e. housekeeping, catering, laundry, transport, hairdressing wider accommodation management

**Section 3** – for complaints related to finance

**Section 4** – for complaints related to human resources and organisational development

Complaints related to Erskine Reid Macewen Activities Centre follow a separate policy which can be access at the Activities Centre.

Please note that for fundraising complaints there is a separate policy which is available on our website or by clicking [this link](#).

## Complaints

A complaint is an expression of dissatisfaction about an action, or lack of action, or standard of care or service provided.

Where a concern is raised, the individual should be given the opportunity to consider whether they want the matter to be treated as a complaint. If in doubt, staff should treat a concern as a complaint and make it clear to the person raising the issue that it will be treated as such.

Whenever possible, the comments, concerns and complaints of residents, those that use our services and their families or representatives are dealt with as they arise. We recognise that there will be occasions where an individual will be dissatisfied with an explanation or apology given and will want to pursue a complaint further. This Policy describes our commitment to respond to complaints in a timely, open and transparent way.

If the complainant is not satisfied with our response, their dissatisfaction will be dealt with as a formal complaint. This is appropriate where the matter of concern requires investigation. The terms of a formal complaint where possible should be submitted in writing by the complainant in order to provide clarity on the issues to be investigated.

All complaints will be taken seriously and will be reviewed thoroughly. Each complaint will be dealt with on an individual basis.

Where a criminal offence may have been committed, Erskine must disclose relevant information to the police to investigate.

It should be recognised that many of our residents, or those using our services, may not have the capacity to adequately explain the grounds of their complaint. It is therefore important that each complaint is dealt with in a way that responds to the individual needs and capacity of the person. Independent help and support for the complainant should be sought if appropriate e.g. advocacy service. A lack of capacity from a resident, or person using our services, does not mean they are unable to make a complaint.

## **Who can complain?**

Complaints can be made by:

- Residents
- Service user
- Relatives of residents/service users (see note below)
- Residents' legal representatives
- Any person dissatisfied with general service provision by Erskine (see note below)

Complaints which involve reviewing elements of personal care can only be discussed with the express permission of the resident, or the next of kin, or person who holds the relevant Power of Attorney/Guardianship.

For staff wishing to raise a complaint, there are three separate but complimentary processes that can be used.

- A formal note of concern can be raised with their line manager, their House or Home Manager, Service manager or with the relevant Executive Management Team member
- The Whistleblowing Policy can be used to report concerns
- A formal grievance can be raised, where the complaint relates directly to their treatment

## **Related Documents**

**This standard should be read in conjunction with the following:**

- Access to Health Records Act 1990
- Data Protection Act

## **How to make a complaint**

Complaints can be made in writing, via e-mail, by telephone or in person to the House Manager, Home Manager or, if the complaint involves the Home Manager, the Director of Care. Non-care complaints can be made to the individuals highlighted in the relevant sections below.

## **Anonymous Complaints**

The welfare and interest of Erskine's residents and service users is paramount; all employees have a duty to bring to the attention of managers, issues that they consider are directly or indirectly detrimental to resident/service user care.

Erskine will consider all disclosures, including anonymous ones. In compliance with the organisation's Whistleblowing Policy, assurance is given to employees that their identity will be disclosed only to those who need to know it.

When accepting anonymous complaints, full investigation is often not possible and may affect the ability of Erskine to reach a final decision in relation to the outcome of the investigation.

Where possible, the complainant will be advised of this limitation at the time the complaint is made (e.g. where the complaint is received by telephone).

Erskine will always look into anonymous complaints as they may provide an early warning of unacceptable or dangerous care practice, which may otherwise continue.

### **Confidential Complaints**

Normally, Erskine will respect the wishes of complainants who identify themselves but ask for their identity to remain confidential throughout the investigation, i.e. a confidential complaint, however, this may not always be possible.

The complainant will be notified if Erskine is required to disclose such information to the police. We recognise that the general right to have the identity of an individual protected can be abused and therefore, in all cases, protection of the identity will be subject to Erskine being satisfied on reasonable grounds of the reason for doing so.

### **Timescales**

A complaint should be made:

- (a) within six months of the event which is the cause of complaint, or
- (b) within six months of the person becoming aware of a cause for complaint as long as this is within 12 months from the cause for complaint

We will operate these time limits flexibly where it is unreasonable to expect that the complaint could have been made earlier, provided it is still practicable to investigate the facts. We will be unable to consider a complaint many years after an event, as our ability to properly investigate the facts will be hindered by the movement of staff and the ability to recall facts accurately with the passage of time.

All formal complaints will be acknowledged in writing within three working days of receipt.

A response will be provided within 10 working days (N.B. where a complaint is made to an individual manager's email and they are on leave, there may be a delay in responding).

However, if we are unable to meet this timescale, a written explanation for the delay will be provided indicating a revised completion date.

## **Service Improvement**

Erskine will ensure that information gained from feedback and complaints is used to improve quality, through our clinical and care governance arrangements.

As well as receiving complaints, we encourage feedback from residents, relatives and representatives, welcoming suggestions on how we can improve the quality of our services.

## **Monitoring of Complaints**

We are committed to learning from complaints and will review the issues arising from the concerns and complaints we receive, how they were handled, the outcomes and lessons learned. We will continue to monitor outcomes and make quarterly reports to the Clinical and Care Governance Committee on all complaints activity.

## **Abusive, Persistent or Vexatious Complaints and Complainants**

Dealing with a complaint is normally a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the organisation. This can happen either while their complaint is being investigated, or once the organisation has finished dealing with the complaint.

We do not expect staff to be subject of unacceptable behaviour; unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone or face to face
- Sending multiple letters, emails, or faxes
- Leaving multiple voicemails
- Posting inappropriate entries on social media

Erskine will take action to protect staff if a complainant behaves in a way that is abusive, unreasonably persistent or vexatious.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example, if agreed timescales are not met, would not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Erskine defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contact with the organisation, and the time required to process their complaint, require an unreasonable allocation of staff time, or hinder our consideration of their or other people's complaints.

When a complainant has been designated vexatious, the Chief Executive will contact the complainant in writing to explain:

- why we have taken the decision
- what action we are taking
- the duration of that action
- the review process of this policy, and
- the right of the complainant to contact the Information Commissioner or Care Inspectorate to have their complaint investigated

The complainant can make a referral to the relevant regulatory body at any time.

## **Section 1 – Care Services**

### **Underlying Principles**

Complaints which can easily be resolved and do not require investigation should be handled by the manager with responsibility for the House, and reported to the Home Manager. These complaints will still be formally recorded.

Erskine will:

- a) Ensure that the resident's immediate healthcare needs are being met before dealing with the concern or complaint
- b) Ensure that complaints are dealt with promptly, sensitively and confidentially and within the defined timescale
- c) Listen to the views and experiences of the people who use our services
- d) Have effective person-centred arrangements in place to encourage feedback
- e) Resolve complaints as close to the point of complaint as possible
- f) Deal with all complaints received on a fair and equitable basis
- g) Treat and respond to anyone wishing to complain, politely and with respect, patience and empathy
- h) Handle complaints in a way which is open and fair to service users and Erskine employees
- i) Support the person making the complaint, any staff named in the complaint and treat all those involved in the complaints process fairly
- j) Use complaints and other feedback as a means of identifying where service improvements can be made
- k) Ensure that where we contract with others to provide services, the contracts require the service provider to comply with Erskine's complaints procedure
- l) Recognise equality and diversity and promote a complaints system that responds sensitively to the individual needs, background and circumstances of people's lives
- m) Respect, as far as possible, any request for the identity of a complainant to remain confidential

## Contact details for each Home

Having approached the House Manager, or if your complaint is regarding the House Manager, the appropriate escalation contact details are below:

Lesley Wylie  
Home Manager  
The Erskine Home  
Bishopton  
PA7 5PU

Veronica Dormer  
Home Manager  
Erskine Park Home  
Bishopton  
PA7 5QA

Alison Payne  
Home Manager  
Erskine Edinburgh Home  
Edinburgh  
EH17 7SA

Tel:  
Email:  
lesley.wylie@erskine.org.uk

Tel:  
Email:  
veronica.dormer@erskine.org.uk

Tel:  
Email:  
alison.payne@erskine.org.uk

Complaints that relate to the Home Manager, or if you remain unhappy with the response to your complaint, can be made to:

Derek T Barron  
Director of Care  
The Erskine Home  
Bishopton  
PA7 5PA

Tel: 0141 814 4543  
Email derek.barron@erskine.org.uk

Should you be unhappy with the handling of a complaint by Erskine, you have the right to escalate your complaint to our regulator, The Care Inspectorate:

You can choose to contact them directly by either:

- filling in their [online form](#)
- calling them on 0345 600 9527 (between 09:00hrs and 16:00hrs Monday to Friday)
- emailing them at [concerns@careinspectorate.gov.scot](mailto:concerns@careinspectorate.gov.scot)

If your complaint relates to an individual care professional rather than the service provided, you may also wish to consider making a complaint to:

The Nursing & Midwifery Council (regarding any registered nurse)  
<https://www.nmc.org.uk/concerns-nurses-midwives/make-a-referral/>

Scottish Social Services Council (regarding all care workers e.g. senior care assistants care assistants activities assistant etc.)  
<https://www.sssc.uk.com/fitness-to-practise/raising-a-concern/>

Health and Care Professions Council (any registered allied health professional)

<https://www.hcpc-uk.org/concerns/raising-concerns/>

Care services in Erskine are 'commissioned' by the local authority for the area in which the Home is situated; complaints can also be made to them:

Renfrewshire                      Renfrewshire House                      Tel: 0141 842 5497  
Cotton Street  
Paisley PA1 1TZ  
Email [sw@renfrewshire.gov.uk](mailto:sw@renfrewshire.gov.uk)

Edinburgh                      Social Work Advice and Complaints                      Tel: 0131 553 8395  
Level 1/7, Waverley Court  
4 East Market Street  
Edinburgh, EH8 8BG  
Email [socialwork.complaints@edinburgh.gov.uk](mailto:socialwork.complaints@edinburgh.gov.uk)

## **Section 2 - Facilities Management.**

Concerns or complaints related to Facilities Management or Support Services should be raised directly with the team involved or the team manager. The contact details for each department manager are:

Transport:	Nick O'Neill -	0141 814 4527
Housekeeping & Laundry:	Yvonne Dolan -	0141 814 4237
Catering:	John Booth -	0141 814 4600
Accommodation Services:	Tracy Higgins -	0141 814 4578
Facilities Management:	Michelle Clark -	0141 814 4738

Should your complaint remain unresolved, or you remain unhappy with the outcome, please escalate your concerns/complaint to:

Dougie Beattie  
Head of Facilities and Support Services  
The Erskine Home  
PA7 5PU

Tel: 07919097621 or 0141 8144533  
Email: [dougie.beattie@erskine.org.uk](mailto:dougie.beattie@erskine.org.uk)

## **Section 3 - Finance**

Concerns or complaints related to Finance should be made in the first instance to Lucia Drovandi, Financial Accountant –  
Tel: 0141 814 4518  
Email: [lucia.drovandi@erskine.org.uk](mailto:lucia.drovandi@erskine.org.uk)

Should your complaint remain unresolved, or you remain unhappy with the outcome please escalate your concerns/complaint to:

Gregor McKellar  
Director of Strategic (Financial and Business) Planning  
The Erskine Home  
PA7 5PU

Tel: 07425 629736  
Email: [gregor.mckellar@erskine.org.uk](mailto:gregor.mckellar@erskine.org.uk)

#### **Section 4 – Human Resources**

Concerns or complaints related to Human Resources should be made in the first instance to Karen Murphy, Human Resources Manager–  
Tel: 07702 715503  
Email: [karen.murphy@erskine.org.uk](mailto:karen.murphy@erskine.org.uk)

Should your complaint remain unresolved, or you remain unhappy with the outcome please escalate your concerns/complaint to:

Sarah Bickerstaff  
Director of Human Resources and Organisational Development  
The Erskine Home  
PA7 5PU

Tel: 07425628059  
Email@ [sarah.bickerstaff@erskine.org.uk](mailto:sarah.bickerstaff@erskine.org.uk)