



## Complaints Policy

### Policy Statement

This policy applies to the Trust's non-lottery complaints. The Trust views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right. Complaints made to the Trust about its operations and activities are dealt with in a systematic way which is detailed below.

Complaints relating to the society lottery are directed to the Trust's ELM which operates its own process.

**The Trust operates a transparent complaints process. This applies to non-lottery based complaints.**

The policy:

- Provides a fair complaints procedure which is clear and easy to use;
- Publicises the existence of the complaints procedure;
- Ensures everyone knows what to do if a complaint is received;
- Ensures all complaints are investigated fairly and in a timely way;
- Ensures that complaints are, wherever possible, resolved and that relationships are repaired; and
- Gathers information which helps to improve performance.

### What is a complaint?

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the Trust's work. Complaints may come from any person or organisation that has a legitimate interest in the Trust. This policy does not cover complaints made by staff.

### Receiving Complaints

All complaints that reach stage 2 and beyond are recorded together with the complainer's name, contact details and their relationship to the Trust. The complainer is informed that there is a procedure, what will happen next and asked to send the complaint in writing.

For further guidelines about handling complaints, see **Appendix 1**

### Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### Responsibility

Overall responsibility for this policy and its implementation lies with the Board of Trustees in conjunction with the Head of Charities.

## **The Complaints Procedure**

The procedure consists of four stages which are as follows:

### **Stage 1 – Acknowledgement and Resolution**

The recipient deals with the complaint immediately and is able to resolve the complaint at the first point of contact.

### **Stage 2 – Investigation**

1. Complaint is formally recorded.
2. If the complaint is not resolved at initial stage, the recipient escalates to line manager level.
3. Investigation takes place and line manager involves senior members of staff, including the Head of Charities, as needed.

If the investigation of the complaint is likely to take longer than five working days, the complainer is notified advising of the proposed timescales and next steps, with the aim of resolving the complaint within a maximum of 20 working days.

### **Stage 3 – Outcome and Actions Taken**

The line manager or Head of Charities will respond to the complainer advising of the outcome of the complaint and any action taken as a result of the investigation. If unresolved, the complaint is referred to the Chair of the Board of Trustees for a Board level review.

### **Stage 4 – Dispute Resolution**

If the resolution of the complaint is not satisfactory at Stage 3, the complaint will be submitted to mediation to resolve the dispute. Independent mediation services will be appointed to resolve the dispute subject to agreement of the complainer. If the complainer does not wish to mediate, the matter will be referred to an independent third party expert agreed with the complainer or, where no agreement is reached, nominated by the President of the Law Society of Scotland. The expert's decision is final.

The mediator or expert will report on the outcome to the Gambling Commission. Details of complaints are kept for a minimum of three years.

### **Further Information**

The complainer is entitled to contact the Charity Commission or the Scottish Charity Regulator (OSCR) at any stage.

More information about can be found at:

[www.charitycommission.gov.uk/publications/cc47.aspx](http://www.charitycommission.gov.uk/publications/cc47.aspx)

[www.oscr.org.uk/charities/raise-a-concern-about-a-charity](http://www.oscr.org.uk/charities/raise-a-concern-about-a-charity)

**Variation of the Complaints Procedure**

The Board of Trustees may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair should not also have the Chair as a reviewer.

**Monitoring and Learning from Complaints**

Complaints are reviewed annually to identify any trends which may indicate a need to take further action.

## **Appendix 1 - Practical Guidance for Handling Verbal Complaints**

- Remain calm and respectful throughout the conversation
- Listen - allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam"
- Don't debate the facts in the first instance, especially if the person is angry
- Show an interest in what is being said
- Obtain details about the complaint before any personal details
- Ask for clarification wherever necessary
- Show that you have understood the complaint by reflecting back what you have noted down
- Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation  
e.g. "I understand that this situation is frustrating for you"
- If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise
- Ask the person what they would like done to resolve the issue
- Be clear about what you can do, how long it will take and what it will involve.
- Don't promise things you can't deliver
- Give clear and valid reasons why requests cannot be met
- Make sure that the person understands what they have been told
- Wherever appropriate, inform the person about the available avenues of review or appeal