

# ATLANDTIS & CO LTD

## Complaints Policy

## Purpose

To set out requirements and information on providing a fair and effective system for dealing with complaints, including by ensuring procedural justice and taking a problem-solving approach.

## Evidence

Evidence indicates that when people believe the complaints process of how a decision is made, rather than what decision is made is fair, it influences their views and behaviour. This is called procedural justice. When people feel processes are applied fairly and justly, they have more confidence and trust in organisations, see them as being more legitimate, and they are more likely to accept and abide (or commit to abide) by these decisions, and comply and cooperate with the organisation, even if the outcome is not in their favour. It is also necessary in order to ensure those we deal with are treated with respect and improve outcomes in terms of our interactions.

## Outcomes

- Atlandtis & Co Ltd have an effective system with a clear set of procedures for dealing with complaints.
- Those who do business with us how to make a formal complaint and have ready access to the means to do so. Complaints are managed effectively at an early stage to avoid a similar occurrence in the future and prevent the instigation of a litigation claim wherever possible. A simple investigation should identify the main issues to be considered and what remedial action needs to be taken.
- Individuals who have disabilities, literacy and learning difficulties or for whom English is not their first language are given the necessary support needed to submit a complaint.
- Individuals have confidence in the system and believe that the decision making is fair. Responses are meaningful, considered and easily understood through a problem-solving approach.
- Those we do business with do not suffer detriment as a consequence of complaining.
- Complaints are answered in line with the timeliness requirements set out in this Framework.
- Complaints are considered using the 'balance of probabilities' burden of proof and appropriate action is taken when complaints are upheld.
- There is a confidential system for complaints.
- Complaint management and monitoring arrangements drive improvements.
- Complaints identified as relating to Reserved Subjects are passed on to the relevant people for action and processing.

There is an avenue of appeal and Directors and all staff are familiar with the role and remit of the Ombudsman and all those we do business with are made aware of the function and accessibility of Ombudsman.

## **Legal Requirements**

Those we deal with us are statutorily entitled to make complaints under various statutory measures including The Provision of Services Regulations 2009.

We have a policy that our business operations, including the complaints procedure can monitored by an Independent Body. These bodies can undertake a variety of activities in our organisation, including receiving a complaint or request (known as an 'independent complaint application') which one wishes to make directly to them.

In accordance with Public Sector Equality Duty (Equality Act 2010, section 149), In operating a complaints system, we have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Staff must apply 'balance of probabilities' as the standard of proof to investigate complaints. Deciding that something is proven on a balance of probabilities means that it is more likely than not to have occurred. This requires that a dispute be resolved in favour of the party whose claims are more likely to be true, based on the evidence provided.

## **Submitting a complaint**

To make sure that no one is unfairly disadvantaged, we have arrangements in place that will allow someone to make a formal complaint orally to a member of staff where the individual has difficulty doing so in writing. In such circumstances the complaint must be recorded, and the written answer must be explained to the complainant in the same timeframes as for typical written responses.

We have arrangements in place to enable urgent complaints to be considered at weekends and on public holidays. Individuals must not be deterred from submitting complaints nor encouraged to withdraw them. Staff should take care to avoid the perception that complaints are not encouraged. Prescribed complaint forms, for ordinary complaints (Form COMP 1), appeals (Form COMP 1A) and confidential access (Form COMP 2) are made available to members of the public and those we deal with irrespective of location.

Staff must decide how to manage complaints irrespective of those who are legitimately believed to be abusing the process on an individual basis. Staff must discuss the issue

with the individual and seek to find a simple solution. Discussing the issue may also improve relationships, which may reduce the number of complaints. If a decision is made to impose a limit on the number of complaints a one can submit, for example to one complaint per week, the individual must be advised of this restriction and the length of time it will be in place. An individual's right to make a complaint must not be completely withdrawn in any circumstances.

## Responding to a complaint

Individuals or organisations will be provided with confirmation that their complaint has been received and is being processed. This will be done as soon as possible but no later than 7 working days. Individuals must receive a response to their complaint within 5 working days of the complaint being logged. Working days are taken to be Mondays to Fridays, excluding public holidays.

An interim reply will be given where it is not possible to give a full reply within the required timeframe. These replies will be informative and give an indication of when a full reply can be expected. Interim replies must be used sparingly e.g. where the complaint involves liaison with multiple departments, external partners or stakeholders or where only one specific person can provide a response and is absent.

We have in place arrangements for recording interim replies and ensuring substantive replies follow within a reasonable time. The more often the 5-day response timeframe is successfully achieved, the more likely the system will be seen as reliable and trustworthy, and less likely that it will be abused. Arrangements are in place to deal more quickly with complaints where the person might be suffering immediate and significant detriment or be at risk.

Complaint responses will address the issues raised specifically. Responses must use language which is easy to understand and takes account of any individual needs. Where necessary responses must be given orally to meet the needs of the individual making the complaint. Jargon and acronyms must be avoided. Mediation must be considered as an option to resolve a complaint.

The quality of responses must be checked by Directors intermittently as required and evidenced within the appraisal process. Directors must periodically sample responses, with the sampling amount to be decided by a senior Director. Appropriate action must be taken when complaints are upheld, and the complainant should be notified where necessary. Where necessary, consideration must be given as to whether an apology is appropriate or whether the complaint should be escalated. Apologies for late responses, even if this was unavoidable, can help build respect for the process and reduce potential litigation. There are processes in place to ensure any commitments are followed through, and realistic timeframes for this should be given to the complainant.

Where the complaint is not upheld, the person must be given an explanation of the reason for not upholding it. If the explanation is clear, shows how it is consistent with others' treatment, and is respectful, it is more likely that this will be accepted and

respected, even if not liked. Staff must not disclose confidential or personal information about another's complaint to demonstrate consistency and should not use consistency as an excuse for making an otherwise unreasonable decision. The name of the person responding must be legible so that persons know who has been involved in dealing with their complaint. If a complaint is resolved through discussion, a brief written response must be given to the person in confirmation, referring to the resolution that has taken place.