

# Complaints Policy and Guidelines





# Complaints Policy

## 1. Introduction

1.1 This policy provides details of how Making Me (the **Charity**) should respond to complaints, concerns and comments raised by users of the service and their relatives or other representatives. This is in keeping with the Charity's stated values. The Charity is committed to ensuring that those who use its services are readily able to access information about how to make a complaint and that the issues raised are dealt with promptly and fairly.

1.2 The policy is designed to ensure that service users remain at the centre of the process for dealing with complaints, concerns and comments, and that the Charity makes and embeds changes as a result of the lessons learnt from any issues raised as part of the complaints process. The guidelines accompanying this policy (Appendices 1 and 2) should be followed, and are underpinned by these principles.

1.3 The Charity recognises that the information derived from complaints provides an important source of information to help make improvements in the service. Complaints can act as an early warning of failings in systems and processes, which need to be addressed. The Charity adopts an "open and fair" culture when investigating and responding to complaints. If reason for complaint should occur, the Charity will ensure that corrective action is taken to improve practice, rather than to apportion blame and take punitive action.

1.4 The Charity is committed to ensuring that people who make complaints about the service are not adversely affected because they have complained. Complaints, whether informal or formal, will be treated in strictest confidence. However, if a complaint involves a member of staff, the person concerned will normally be informed unless the complainant specifically requests otherwise, although this may limit the extent of further investigation.

1.5 The Charity is committed to providing a complaints service to all, regardless of their ethnicity, gender or sexual orientation, religion or disability.

1.6 The policy recognises that the Charity also has a duty to act fairly towards staff and volunteers involved in the events in question. The aim is to encourage and be open to feedback from all users of the service, investigate concerns fully, and respond in a proportionate, appropriate and fair manner.

1.7 This policy applies to all staff, including volunteers and should be read in conjunction with the Charity's other policies, including, but not limited to the Disciplinary Policy, the Diversity and Equality Policy and the Safeguarding and Child Protection Policy. Due consideration should also be given to the Government's thematic review of complaints about charities, details of which can be found at <https://www.gov.uk/government/publications/every-complaint-matters-a-thematic-review-of-complaints-about-charities/every-complaint-matters-a-thematic-review-of-complaints-about-charities>

1.8 A complaint may be made by existing or former users of services or facilities, or an individual who is affected, or likely to be affected by, an action, omission or decision made by the Charity, to any member of staff, but if it is a Formal Complaint, Complainants are encouraged to address it to the Chief Executive.

1.9 Detailed guidance for responses to informal complaints and formal complaints can be found in Appendix 1 and Appendix 2 respectively.

1.10 This policy will be monitored periodically in order to judge its effectiveness and reviewed every three years. It will be updated as required in accordance with changes in the law.

## 2. Definitions

The following definitions apply for terms used in this policy:

**Service User** is the person who uses the service and is the subject of the complaint or concern.

**Complainant** is the person who is raising the complaint or concern.

**Informal Complaint** is any issue or concern about any aspect of service provided by the Charity that is not a Formal Complaint.

**Formal Complaint** is any concern or issue which is raised, either verbally or in writing (including email correspondence), about any aspect of service provided by the Charity and which the Service User or Complainant has specifically asked to be addressed formally, or which the relevant member of staff receiving it believes should be dealt with formally.

**Lead DSO** is the Charity's Lead Designated Safeguarding Officer.

**Lead Trustee DSO** is the Charity's Lead Trustee Designated Safeguarding Officer.

## 3. Responsibilities

### 3.1 Management / Trustees

The Chief Executive, Deputy Chair of the Board of Trustees plus one other Trustee will be involved in the resolution of all Formal Complaints (see Appendix 2). As a minimum, the Deputy Chair of the Board of Trustees will be informed by the Chief Executive of the incidence and outcome of all Informal Complaints (see Appendix 1).

The Chair of the Board of Trustees will take responsibility for ensuring compliance with this policy.

### 3.2 All Staff

All members of staff have a duty to ensure that they:

- are aware of the contents of this policy;
- take immediate action and try their utmost to resolve a concern, where possible, to prevent it from becoming a Formal Complaint;
- give assistance with any complaint and investigation and make statements as required that reflect fact not opinions; and
- escalate concerns, comments or complaints to the relevant person in a timely and professional manner.

3.3 It is incumbent upon all trustees, members of staff and volunteers to ensure that the policies are observed and codes of practice fulfilled.

#### **4. Complaints involving the Chief Executive**

Complaints about or including the Chief Executive should be made to the Deputy Chair of Trustees in the first instance. The Deputy Chair of Trustees plus two other Trustees will follow the guidelines below to respond to an Informal Complaint (Appendix 1) or Formal Complaint (Appendix 2).

#### **5. Cross Reference of Complaints**

5.1 The Charity is responsible for ensuring that all complaints are cross referenced against other types of investigations including HR investigations and safeguarding issues. The principles below describe the process that should be undertaken in respect of any identified safeguarding issues, but these also apply for other investigations as indicated above.

5.2 All complaints should be reviewed and considered for any potential safeguarding issues, and:

- the Lead DSO and the Lead Trustee DSO will be kept up to date at all points throughout the complaints investigation and ensure the investigation is conducted in line with the Charity's Safeguarding Policy and any other relevant safeguarding processes;
- all safeguarding issues are to be logged by the Charity in accordance with the policies and procedures set out in the Charity's Safeguarding and Child Protection Policy document.

#### **6. Habitual and/or Vexatious Complainants**

6.1 Habitual and/or vexatious Complainants are difficult to handle and place a strain on time and resources. They may also cause undue stress for staff involved in the complaint. Such complainants tend to make frequent complaints but each one is distinct. In answering a complaint each issue should be investigated and responded to. However, the amount of time taken to investigate each issue is determined by the seriousness of the issue, and not by the type of complaint.

6.2 The Charity has a duty to protect staff against abuse of their person or time, and it is necessary to identify unreasonably persistent Complainants and to have in place a procedure for dealing with them.

6.3 A persistent/habitual or vexatious Complainant may meet one or more of the following criteria:

- is in frequent contact, sometimes daily, regardless of having been given a date for a meeting or advised of the timescale for a written response;
- is aggressive or abusive towards staff;
- is adamant their concerns have not been addressed despite having received detailed responses;
- having received a response, makes contact immediately with a new set of questions or presents the original problem in a different way;
- changes the complaint or what they want to achieve part way through the process;
- dictates who they will speak to and/or meet with; and/or
- seeks an unrealistic outcome, and expresses an intention to pursue the complaint until that is achieved.

Where a Complainant has been identified as habitual or vexatious, the Chief Executive will determine what action to take in consultation with the Deputy Chair of Trustees. A record must be kept for future reference of the reasons why a Complainant has been classified as habitual or vexatious. Where necessary, habitual or vexatious complaints will be escalated to the attention of the Chair of Trustees.

## **7. Equality and Diversity**

7.1 The aim of this policy is to put the Service User at the centre of the process, and it is designed to be accessible and suited to all. The Charity recognises that some Complainants may not use English as their first language, or may have other communication or learning difficulties. In these circumstances, the Charity will ensure that they have access to adequate support to enable them to participate fully in the complaints process.

7.2 This policy also recognises the rights of staff within the process, and that they too may require support.

# Appendix 1

## Guidelines for Response to Informal Complaints

### 1. Introduction

These guidelines provide information about the way in which the Charity expects individual members of staff to respond to Informal Complaints. They should be read in conjunction with the main Policy and the Guidelines for Management of Formal Complaints (Appendix 2).

Every member of staff is personally responsible for responding politely and appropriately, when approached by a Service User expressing a concern or asking for help. Taking a few minutes to respond helpfully gives the Service User a positive experience and can often avoid a Formal Complaint being made.

An Informal Complaint will typically relate to:

- concerns about the service where action can be taken quickly to resolve the problem and to return the Complainant to the correct pathway;
- simple problems for which an explanation is easily found and given;
- occasions where the Complainant wishes to bring the matter to the attention of the Charity but does not wish to raise a Formal Complaint; and
- issues which can be resolved by making enquiries and taking immediate action, rather than undertaking investigations.

### 2. Individual Responsibilities

Where possible, always respond immediately to concerns or questions raised by Service Users. However, first consider whether you are able to reply, and whether it is appropriate for you to do so. If you consider the matter is serious enough, explain that you feel it should be treated as a Formal Complaint and/or referred to someone more senior. Concerns raised in writing are rarely about issues where a front line response is sufficient to resolve the problem. Such complaints should, therefore, be considered under the Guidelines at Appendix 2.

If you are able to answer, but have another immediate priority, offer to return later to provide the answer, and make good on the offer as promised. If you do not have the experience or knowledge to respond, or the issue is of a serious nature and needs escalating, refer the person to a colleague who will be able to assist.

Report the matter to the Chief Executive, and indicate whether you have been able to resolve the issue.

### 3. Managers' Responsibilities

Lead by example, encouraging staff to respond positively and helpfully to expressions of concern from Service Users. Be certain that your staff members are aware that they can expect to be treated with respect and courtesy and how they should act in situations where their rights are not being observed.

Ensure the environment allows for privacy and dignity to be preserved. If confidential details need to be discussed, try to make sure the discussion cannot be overheard. Ensure staff

members are aware of the types of issues raised by Service Users that you expect them to escalate to you.

#### **4. Chief Executive's responsibilities**

As a minimum, the Deputy Chair of the Board of Trustees will be informed by the Chief Executive of the incidence and outcome of all Informal Complaints in accordance with this policy.

#### **5. Appeals**

If a Complainant is dissatisfied with the outcome of an Informal Complaint, they may raise the matter formally with the Chief Executive in accordance with the procedure set out at Appendix 2.

#### **6. Summary**

Take personal ownership when approached. Resolve the problem quickly if possible, or escalate to another colleague who can assist. Be polite, positive and open in responses. Sorting out a problem at the start, when it is small and manageable, saves everyone time and trouble in the long run.



## Appendix 2

### Guidelines for Management of Formal Complaints

#### 1. Introduction

This Appendix provides guidelines for responding to Formal Complaints. It should be read in conjunction with the main Policy and the Guidelines for Responses to Informal Complaints (Appendix 1).

Typically, a Formal Complaint will be one which, even if the Complainant has not requested that it be dealt with formally, is complex, involves a significant amount of investigation to resolve, and/or may justify some form of redress to the Complainant if errors are identified. All formal complaints must be in writing.

The overall aim is to provide a speedy, comprehensive response to concerns, complaints and comments, ensuring that apologies and redress are offered when appropriate, and that the Charity learns from mistakes.

#### 2. Approach

The formal response process for dealing with any Formal Complaint raised by a Service User or other Complainant involves the following:

##### **Step One: listen and re-direct the issues**

To successfully achieve this step it is important to consider firstly whether the Complainant has any specific communication needs, and if so to meet these appropriately.

Listen to a brief outline of the Complainants issues in a responsive and conciliatory fashion.

Explain that Formal Complaints are dealt with by the Chief Executive Officer, together with the Deputy Chair of the Board of Trustees (where appropriate) and ask the Complainant to make an initial Informal Complaint to the Chief Executive.

##### **Step Two: listen and understand the issues**

The Chief Executive Officer or (person acting in lieu) must discuss the complaint, concern or issue(s) with the Complainant. The aim is to:

- Establish that the person raising the concern has the right to do so. In particular, consent must be given by the Service User that the matter may be raised on their behalf if they are not the Complainant. Care must be taken to ensure that there are reasonable grounds for the complaint to be made by a representative instead of the Service User, and that the representative is conducting the complaint in the best interests of the person on whose behalf the complaint is made;
- Fully understand and agree with the Complainant the nature of the concern(s) being raised. The Complainant should be asked to provide a formal written description of those concerns and the grounds for the Formal Complaint;
- Respectfully ask the Complainant to supply their Formal Complaint in writing to the Chief Executive.

### **Step Three: draft and agree an action plan**

Having received a Formal Complaint in writing from a Complainant or his/her representative, the Chief Executive will:

- Acknowledge, in writing, receipt of the Formal Complaint with the Complainant;
- Agree with the Complainant how the Charity will address these issues, including realistic timescales for the response and outcomes; and
- Make sure the Complainant understands what the outcomes will be and that this will meet their expectations.
- Notify the Deputy Chair of the Board of Trustees of the Formal Complaint
- Draft an Action Plan (with input from staff member(s)) in accordance with the following principles:
  - Set out the nature of the concerns being addressed, the desired outcomes agreed at Step One and the steps needed in order to achieve these (including any further investigations to be carried out);
  - Be proportionate to the nature of the issues raised;
  - Include timeframes for delivery of the outcomes which are realistic, but no longer than is necessary;
  - Analyse the cause(s) of the issue giving rise to the complaint, and what has to be done to correct them; and
  - Meet the needs of the Charity – for example, the Complainant may not want a full investigation, but if the nature of the concerns are very serious the Charity needs to deal with the matter formally.

The proposed Action Plan needs to be sent to the Complainant for approval within five working days of the discussions at Step Two. Any investigations should be commenced in anticipation of approval, but other substantive steps are subject to that approval. If the Complainant has comments on the Action Plan, they should be discussed in good faith, with a view to agreeing the plan as soon as possible.

### **Step Four: Implementing the Action Plan**

The responsibility for this step lies with the Chief Executive in consultation with the Deputy Chair of the Board of Trustees, with the outcome being the resolution of the Complainant's concern(s).

It is important to be open and honest when responding to a Complainant, which means the investigation has to ascertain what actually happened. The staff involved must be given the opportunity to explain what happened from their point of view. Very often the concern will have been raised due to a misunderstanding, and explaining what has happened, in terms which the Complainant can understand, will resolve the issue. If a mistake has been made,

acknowledge this and offer an apology. If the error has resulted in injustice or hardship then, where possible, this needs to be rectified. Where this is not possible, consider whether there may be some other form of remedy that can be provided.

It is essential that Complainants are not treated any differently as a result of the concerns being raised. Many people are worried that by raising a concern they, or the relevant Service User, will be penalised. Raising concerns should be seen as a positive opportunity to improve services.

It may be necessary to change the action plan in response to information obtained, or as a result of problems in accessing information. The plan may therefore need to be developed with the Complainant as the investigation progresses. It is important that a record is kept of all changes to the plan, showing clearly when, and why the change was made and how agreement was obtained from the Complainant.

All changes to the agreed timescale for the investigation must also be negotiated with the Complainant. Extensions to the timescales can only be requested when circumstances arise which mean that the original timescales cannot be met.

Examples would be:

- A statement required unexpectedly from a member of staff who is on annual leave and not returning until after the original deadline;
- New information coming to light requiring more extensive investigation.

It is not acceptable to request an extension because the target date cannot be achieved due to error, or delays caused by staff.

### **Step Five: Reaching a Conclusion**

There are three possible outcomes to the investigation:

1. The Complainant and the Charity agree that the investigation has come to an end and that all issues have been resolved – ideally to the satisfaction of the Complainant, although there may be an agreement to disagree.
2. The Complainant, but not the Charity, decides that the investigation has come to an end: there is nothing further to be done, but the matter remains unresolved.
3. The Charity, but not the Complainant, decides that the investigation has come to an end: there is nothing further to be done, but the matter remains unresolved.

Every case will be concluded via an outcome letter from the Chief Executive to the Complainant. The letter should:

- Summarise the Complainant's concerns as listed in the action plan;
- Give details of the investigation conducted;
- Explain the outcome of the investigation and offer apologies as appropriate;
- Confirm any redress offered and whether accepted;

- Provide information about any actions taken in response to errors identified; and
- Confirm which of the outcomes (as above) has been reached.

### **Step Six: Monitoring Change**

Where it has been identified that an error occurred and action is required to improve the service, a further action plan will be put in place by the Chief Executive. It will be their responsibility to keep a record of all actions agreed with the Complainant, and to monitor performance to ensure both that actions are completed to the timescale agreed, and that feedback is provided to the Complainant once actions have been completed.

## **3. Appeals**

If a Complainant is dissatisfied with the outcome of a Formal Complaint, they may raise the matter with the Charity's Complaints Review Panel. This panel will be made up of the Chair of Trustees, plus two other Trustees who have not previously been involved in any matters connected with the Complaint, in order to ensure objectivity and independent scrutiny of the Complaint.