**Comments and Complaints Policy**

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| Version | 8 |
| Date approved by Board | 27 May, 2021 |
| Review period | Three years |
| Review date (internal audit) | May 2023 |
| Sources of guidance used | * NHS Complaints Regulations * Transparency Manifesto (ImpACT Coalition) |

* 1. **Policy.**

1. It is important that the organisation is accountable to those people and organisations with which it works. One way for this is to give people who are concerned about any part of the organisation’s work a chance to express their feelings and views. People should be able to make a comment or complaint about the organisation in the knowledge that it will be dealt with effectively.
2. A complaint is “any expression of dissatisfaction that requires a response.” It is a chance to identify failures in a service or system, to put them right and to improve their quality and effectiveness.
3. The organisation welcomes constructive comments and complaints. It aims to listen to them and take them seriously and with respect. It is committed to dealing with comments and complaints thoroughly, fairly and effectively because this:
4. puts things right for people who have received a poor service
5. lets the organisation learn from experience and improve.
6. Dealing with comments and complaints is an integral to the work of the organisation, its Directors and staff. This Policy and Procedure will apply whether the comment or complaint is about a Director, a member of staff or any part of the organisation.
7. Any concern by a member of staff about something that has affected or may affect them will be dealt with under the Grievance Procedure.
8. In handling comments and complaints, the organisation aims to work according to these principles:

* accessibility
* accountability
* approachability
* aspiration
* confidentiality
* cost-effectiveness
* fairness
* improvement
* openness
* optimism
* respect
* responsiveness

1. Where appropriate, redress will be made in response to a comment or complaint. Where possible and appropriate, this will be the redress people want. This is likely to be one or more of these actions:

* an apology
* an open and honest explanation of what happened
* a promise that the same thing will not happen again
* action taken to put things right
* a refund or compensation, within any legal constraints.

1. No one will lose their right to the services of the organisation because of making a comment or complaint about it, and they will be treated with respect. If any victimisation, harassment or any other form of ‘come back’ occurs, it will be treated as a disciplinary matter.
2. Everyone is expected to treat others with respect. The organisation reserves the right to refuse to accept a comment or complaint where it is clearly vexatious, malicious or motivated by discriminatory attitudes or where a Director, a member of staff or any other person is threatened, harassed or abused. Any such abuse, harassment, threat or disrespectful behaviour will be treated as unacceptable and may lead to the restriction, suspension or withdrawal of services.
3. If a comment or complaint is refused, the complainant will be given a response explaining why it will not be dealt with.
   1. **Access.**
4. The organisation will publish an easily accessible comments and complaints procedure for clients and Supporters (members).
5. The organisation will seek to ensure all its clients, customers and staff are informed of how to make a comment or complaint, and the name and address of the designated comments and complaints manager. This will be included in all the publicity and information about the organisation and its services, including at its premises.
6. More detailed information should be readily available to anyone making or wishing to pursue a comment or complaint. This should include what this Policy and Procedure covers.
7. A comment or complaint can be made in any way or language. Appropriate help will be given or arranged on request. The reply and any other communication will be in the form easiest for the complainant to understand.
   1. **Time limits.**
8. There is no time limit within which to make a comment or complaint. Complainants should, however, be encouraged to make this as early as possible to enable effective and efficient investigation.
   1. **Persons who may make comments or complaints.**
9. Comments and complaints may be made by a person affected by an action or decision of the organisation. Another person may act for them with their informed consent or, if they cannot give this (such as young children, people who are physically or mentally incapable, and people who have died) a suitable representative may do so.
10. Clear guidance will be given to complainants about this (including where the person is younger than 16 years old). An appropriate **consent form** will be provided where necessary.
    1. **Confidentiality.**
11. Every comment or complaint will be handled in line with the organisation’s policy on confidentiality and data protection.
12. Information about Directors or staff of the organisation relevant to the comment or complaint will be made available to enable the investigation to be done effectively.
13. All records of comments and complaints will be kept securely and will be filed separately from all other records.
    1. **Support and advocacy.**
14. Complainants should be told that they can, if they wish, be helped or accompanied by a person of their choice (including an advocate) throughout their case, including at any meetings held. This person will not accompany the complainant if they are a legally qualified person acting as an advocate.
15. Respondents should be told that they can, if they wish, be helped or accompanied by a person of their choice (including an advocate) throughout the case about them, including at any meetings held. This might come from a manager, a trade union or a professional association, as long as they are not a legally qualified person acting as an advocate.
16. Each complainant and respondent should be kept fully and regularly informed of the progress made with the comment or complaint.
    1. **External investigation.**
17. Comments and complaints about other organisations will be referred to them to deal with under their own procedures.
18. Where appropriate, complainants will be informed of appropriate professional and regulatory bodies to which their case may be made.
    1. **Policy implementation and review.**
19. The Chief Executive is responsible for ensuring that this Policy is carried out. Every designated manager is responsible for its implementation in their own service and with their own staff, wherever appropriate.
20. Any responsibilities of the Chair and Chief Executive described in this Policy shall, in their absence, be undertaken when necessary by the Vice-Chair and their deputy respectively.
21. At least once every three years, the Board will review this Policy and compliance with it.

**Comments and Complaints Procedure**

1. **Local resolution.**

Options.

* 1. The first stage in responding to a comment or complaint should be drawn from the these three options, depending on the nature of the case and the wishes of the complainant:

1. an immediate, often oral, ‘front-line’ response, and/or
2. conciliation, and/or
3. investigation by the Chief Executive
   1. Where possible, direct personal contact will be made with the complainant (by an appropriate method) within two working days of the comment or complaint being received.

Option a: Oral response.

* 1. All Directors and staff should try to resolve any oral comment or complaint on the spot and provide a response as swiftly and informally as possible. They should report to the Chief Executive within two working days using a **comments and complaints form** on any comment or complaint received, the response given, any action taken and whether the concerns have been resolved.

Option b: Conciliation and mediation.

* 1. Conciliation or mediation should be used when appropriate to reach a resolution. It should not be too formal and should be firmly targeted on what complainants are seeking. It should never be used to prevent a complainant from taking their case to a higher authority.
  2. There should be impartial persons, independent of the organisation, who can be called on to conciliate or mediate as appropriate.

Option c: Investigation.

* 1. There will be an identified, named person responsible for the management of each written comment or complaint. This will be:

1. the Chief Executive for comments and complaints about staff, services and operations
2. the Chair for comments and complaints about the Chief Executive, non-executive directors and, with the Chief Executive, comments and complaints about the organisation as a whole
3. the Vice-Chair when the Chair is unavailable due to long-term absence, and for comments and complaints about the Chair.

Acknowledgement.

* 1. A **full acknowledgement** marked ‘private and confidential’ will be sent within two working days of receipt of the comment or complaint. It will include:

1. thanks for comment or complaint
2. a summary of the concerns and aims stated by the complainant, with a request for immediate correction if there has been any misunderstanding of these
3. description of the action to be taken
4. the identity of the investigating officer or Director (or indication when this will be made known to the complainant)
5. a point of contact (including name and telephone number) for any queries
6. information about this Policy and Procedure, including standards for action (such as the time standards for response)
7. the identity of independent sources of advice and/or advocacy
8. an offer of a meeting, where appropriate, with the investigating person at the start of the investigation, if the client wishes.
   1. Copies of the comment or complaint and the acknowledgement will be sent to each respondent identified as a subject of the case, with a request for a factual written statement on it within ten working days.

Recording.

* 1. This information should be recorded for all comments and complaints on the **comments and complaints form** provided:
* unique case reference number
* details of the complainant, including name and address
* details of the client (if different)
* date and method of receipt
* details of the incident(s) involved, with dates
* categorisation of incident(s) with reason for comment/complaint
* action taken or to be taken by whom, what and when

At all stages of the case, copies of correspondence should be kept, ’phone conversations noted, and all records signed and dated.

Investigation.

* 1. When investigating a complaint, these points should be considered:

1. Has the organisation and/or its Board acted within its constitution, Rules, and its policies and procedures?
2. Has the Director acted within their remit, Code of Conduct, and the organisation’s policies and procedures?
3. Has the member of staff acted within their employment contract, job description, and the organisation’s policies and procedures?
4. Are there any underlying or systemic cause(s) of any failures?

Full responses.

* 1. All comments and complaints should get a full response within 25 working days of receipt. Where this is not possible, the response will be sent as soon as reasonably practicable.
  2. A copy of the response will be sent to each respondent identified as a subject of the comment or complaint.
  3. When a full response is not available, an update on progress will be sent 25 working days after receipt, and then every ten working days until the full response is sent, unless a specific date for a reply is given. Each update will include a full explanation for the delay in providing a full response and the likely time for it to be provided.
  4. Every **full response** will be marked ‘private and confidential’ and will contain these elements:

1. thanks for comment or complaint, and a summary of it
2. an acknowledgement of any positive comments
3. a specific description of the investigation undertaken
4. an open and honest explanation of the findings and conclusions
5. responses to each and every point / concern raised in the original comment or complaint
6. apology / apologies where appropriate
7. details of each action that has been or will be taken (including, in general terms, the outcome of any disciplinary action), with reference to the complainant’s stated aims
8. a question to ask the complainant to indicate whether or not they are satisfied with the response
9. an offer to meet with the complainant and key staff to discuss the outcome of their comment or complaint and to clarify any issues
10. identification of the next stage in the procedure (within or outside the organisation) and the appropriate contact point if the complainant is not satisfied with the reply (accompanied by relevant leaflet / information)
11. the identity of sources of independent advice and/or advocacy
12. information about whether (and if so how) the complainant may claim any costs reasonably incurred in attending meetings about their comment or complaint.
    1. Every full response will be signed by the Chief Executive, except when the comment or complaint is about them or a Director when it will be signed by the Chair of the Board who investigated it.

Redress / compensation.

* 1. Where appropriate, complainants will be informed about the availability of *ex gratia* payments where the cause of the comment or complaint includes financial loss for the client and/or complainant. Such payments will first be agreed by the Board.

Time and location of meetings.

* 1. A meeting following the full response to their comment or complaint will always be offered to the complainant. This meeting will take place at a mutually convenient location.

1. **Referral.**

Request for referral.

* 1. If it is not possible to resolve a comment or complaint by Local Resolution, the complainant should be told of their right to refer their case to the Chief Executive or to the Board for review, as appropriate.
  2. A complainant must make their request within two months of the full response being issued.
  3. Whenever the request is received, an acknowledgement should be sent within two working days of receipt.
  4. The complainant should be asked to provide a statement setting out their remaining grievances and why they are dissatisfied with the outcome of Local Resolution.

Consideration of the request for referral.

* 1. The Chief Executive or the Board (as appropriate) will decide whether or not to convene a Panel to investigate the comment or complaint. In making this decision, they will consider:

1. the nature and significance of the comment or complaint
2. the response(s) previously sent to the complainant
3. whether any further action under Local Resolution would be more appropriate to satisfy the complainant.
   1. The decision about whether to convene a Panel should be made within four weeks of receipt.
   2. The Chief Executive or the Chair (as appropriate) should inform the complainant, the respondent(s) and the relevant manager of the decision whether or not to establish a Panel, giving their reasons, within three weeks of receipt.

The Panel.

* 1. The Panel should consist of three people, selected by the Board: an independent lay person, who will chair the Panel, and two Directors of the organisation.
  2. It may be appropriate at times to seek professional advice to inform the investigation.
  3. The expenses of organising and administering the Panel (including the payment of fees and expenses of Panel members) should be borne by the organisation. Reimbursement of complainants’ travelling expenses will be at the discretion of the Board.
  4. The Panel should meet within four weeks of the decision to convene. The Panel will consider and investigate the comment or complaint. An oral hearing will be held if either the complainant or a respondent requests it, although either party may make their representations in another way if they wish to do so.
  5. Complainants should be told that they can, if they wish, be helped and/or accompanied by a person of their choice at any meetings arranged to discuss the comment or complaint. This person will not accompany the complainant if they are a legally qualified person acting as an advocate. The complainant will be responsible for any expenses of being accompanied.
  6. Respondents should be told that they can, if they wish, be helped and/or accompanied by a person of their choice at any meetings arranged to discuss the comment or complaint. This person will not accompany the respondent if they are a legally qualified person acting as an advocate. In the case of staff, they may wish to consider whether a union representative or similar should be present.
  7. The Panel should prepare a report of their findings, conclusions and any recommendations (which may include recommendations that disciplinary proceedings should be initiated). The report should indicate whether the conclusions and recommendations were unanimous or were agreed by majority vote.
  8. The report should be forwarded to the Chief Executive or the Chair (as appropriate), the complainant and the respondent(s) within three weeks of the final meeting of the Panel.
  9. The Chief Executive or the Chair (as appropriate) should report the Panel’s conclusions and recommendations to the Board.
  10. Any comments on the report should be sent to the Chair within one week. At this stage, the Board should consider the report and relevant comments and, within two weeks, respond fully to the complainant with copies to the Chief Executive and to any respondent(s). This Board response should be marked ‘private and confidential’, signed by the Chair and include:

1. thanks for comment or complaint
2. an acknowledgement of any positive comments
3. a specific description of the investigation done by the Panel
4. an open and honest explanation of the findings and conclusions of the Panel
5. the decisions of the Board in relation to each and every point / concern raised in the original comment or complaint
6. apology / apologies where appropriate
7. details of each action that has been or will be taken (including, in general terms, the outcome of any disciplinary action), with reference to the complainant’s stated aims
8. details of how any action will be reviewed
9. a question to ask the complainant to indicate whether or not they are satisfied with the response
10. an offer to meet with the complainant to discuss the outcome of their comment or complaint and to clarify any issues
11. identification of the appropriate professional or regulatory body for external investigation if the complainant is not satisfied with the reply (accompanied by relevant leaflet / information)
12. information about whether (and if so how) the complainant may claim any costs reasonably incurred in attending meetings about their comment or complaint.
    1. If the organisation takes any further decisions relating to the outcome of the complaint, the Chief Executive should inform the complainant, respondent(s) and the Board of these.
13. **Learning the lessons - evaluation.**

Assessment of complainants’ and respondents’ satisfaction.

* 1. Comments and complaints procedures should be reviewed in the light of experience and feedback from those involved in their operation.
  2. Each complainant and respondent will be sent a **questionnaire** at the end of Local Resolution or a Panel investigation (whichever is the later) to assess their satisfaction with the handling of their comment or complaint and its outcome.

Analysing information.

* 1. Comments and complaints about the organisation should be reviewed at least every three months. The Chief Executive should provide a formal written report on them (anonymised) to the relevant committee of the Board. This **comments and complaints report** should contain details of the number of comments and complaints received, the time taken to deal with them, the areas of concern raised and services involved, and action taken or recommended as a result (noting where any recommendations were not acted upon).
  2. The Board should refer any issues or themes to the appropriate committee for consideration and appropriate action. The Chief Executive should provide a copy of the report to managers for sharing and discussion with staff.
  3. A summary of comments and complaints and action taken as a result should be included in the organisation’s Annual Report.

1. **Miscellaneous provisions.**

Inter-agency issues.

* 1. Where a comment or complaint concerns the organisation and one or more other organisations, the aim will be to provide a single response where possible. When such a comment or complaint is received, the relevant officers should as soon as possible:

1. ask the complainant within five working days whether they wish the material about the other organisation(s) to be forwarded to them
2. provide information relevant to the consideration of the comment or complaint that is reasonably requested
3. attend any meeting reasonably required in connection with the consideration of the comment or complaint
4. seek to agree which organisation should take the lead in:

* coordinating the handling of the comment or complaint
* dealing with the complainant
* producing the final composite response

Vexatious complainants.

* 1. A complaint by a continual or vexatious complainant should be referred to the Chief Executive. They should consider the case on its own merits, get appropriate advice, and take appropriate action.

‘Serious’ issues.

* 1. ‘Serious’ issues are of the nature of activities such as:
* any criminal offence, such as assault, deliberate damage, theft, threatening behaviour or possession of illegal drugs
* being under the influence of drugs, including alcohol, while at work
* abuse, harassment or discrimination on grounds of age, disability, ethnicity, gender, race, religious belief, sex or sexual orientation
* serious negligence that may cause significant loss, damage or injury
* serious breaches of health and safety procedures
* wilful breach of statutory regulations
* deliberate falsification of records
* disclosure of confidential information
* mismanagement of the organisation’s funds and other resources
  1. ‘Serious’ issues should be referred immediately to the Chief Executive, as appropriate. The comment or complaint should be acknowledged and the Chair of the Board notified immediately.
  2. If appropriate, the Chief Executive, with appropriate professional advice, should investigate the comment or complaint as soon as possible. No one directly or indirectly implicated in the case should be involved in establishing or carrying out the investigation.
  3. Serious comments and complaints about financial irregularities should immediately be referred to the organisation’s auditors.
  4. The police and/or other relevant statutory agency should be informed at the earliest possible opportunity, where appropriate. All comments and complaints alleging criminal matters should be referred immediately to the police. The organisation should also seek legal advice, if appropriate, and advise any individuals concerned to seek their own professional and/or legal advice.

Legal and disciplinary action.

* 1. The comments and complaints process will cease if a complainant indicates in writing an intention to take legal proceedings over it. Otherwise, a full response will be given in line with this Procedure (after legal advice on its content has been obtained, if necessary).
  2. The comments and complaints process will cease if a case is referred for disciplinary proceedings. Any aspects of a comment or complaint that are not the subject of the disciplinary process will continue to be dealt with under this Comments and Complaints Procedure.
  3. If the Chair believes it is not in the interests of the organisation for a Director to continue in post, they may refer this to the Board for consideration.
  4. Where disciplinary action is instigated against a member of staff, or action is taken against a Director, this should be carried out using the relevant established procedures. The complainant should be informed in general terms of the outcome of such action, while respecting the confidentiality of the Director or member of staff. This should be sufficient for the complainant to understand what happened, why, and what action has been or will be taken.