**Complaints Policy and Procedure**

**Document Control**

|  |  |
| --- | --- |
| Status | Final |
| Author | Kerrin Page |
| Owner Role | Deputy CEO |
| Approved by | Board of Trustees |
| Approval Date | 29.01.2021 |
| Distribution | All staff |
| Next Review Date | December 2023 |
| Related Policies & Procedures | Child Protection Policy  Adult Safeguarding Policy  Service User Feedback Policy |
| Replaces (if relevant) | Complaints Policy Nov 2016 |
| References | - |

**Quality checklist**

|  |  |
| --- | --- |
| Relevant sections in MQM/IIP | MQM Standard 21: There is a dynamic feedback approach between the local Mind and those who use their services. |
| Equality Impact Asst completed | Yes 30.11.2020 |
| Evidence of user involvement | TBC for implementation communication and publicity materials |

**Change History**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version | Owner | Changed by | Change Summary | Date |
|  | Kerrin | Kate Scales | Added paragraph on section 2 related to EDI policy | 5/12/22 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**SECTION A: The Policy**

**1. Context and purpose**

West Sussex Mind (WS Mind) is committed to ensuring that all of our work is of the highest quality. We believe that by providing clear feedback routes and through the effective and transparent management of complaints we can identify learning and continuously improve as an organisation.

This policy aims to outline our overall approach to complaints, how we respond to them, and the standard of service that anyone who makes a formal complaint can expect from us.

**2. Scope and related policies**

This policy covers complaints made by people who use our service users, their families, friends or advocates, other agencies and members of the general public in relation to:

* a specific member of staff or a volunteer
* a group of staff or volunteers
* a self-employed person contracted by WS Mind
* a trustee
* a specific service
* our fundraising activities
* our training activities
* our recruitment processes
* our buildings and facilities
* WS Mind generally

It does not cover:

* Complaints made by WS Mind staff or volunteers, as these are covered by our Grievance Policy

The complaints procedure is also the route for any service user to raise issues relating to equality, diversity and inclusion. Any service user who feels they have been a victim of discrimination or unfairly treated in a way contrary to our equality, diversity and inclusion policy can raise an informal or formal complaint. And staff should record and respond to any cases of discrimination using this process.

**3. Complaints Policy**

We welcome complaints and see them as an important element of feedback and a positive contribution to providing the best possible services. We therefore commit to the following principles in our handling of complaints:

* Our procedure will be fair, easy and as transparent as possible.
* Our procedure will be accessibleto all regardless of age, disability, gender, ethnicity, belief or sexual orientation.
* Making a complaint will not harm or prejudice any service that is given to the complainant.
* We will publicise our processes for making a complaint widely – as a minimum on our website and through written information available in services.
* Concerns and complaints will be dealt with efficiently, appropriately and investigated within the agreed time frame.
* Where we are unable to meet an agreed timescale we will keep people informed, letting them know the revised timescales and reasons for any delay.
* Complainants will be treated with respect and courtesy and receive appropriate support throughout the handling of the complaint.
* Complainants will receive a timely and appropriate response, identifying the outcome of any investigation.
* Action will be taken where necessary in the light of the outcome of the complaint. This might include an explanation or an apology and if relevant and appropriate, information on any action taken.
* Every effort will be made to ensure anyone making a complaint understands the outcome of their complaint.
* Complaints will be recorded and learning from complaints will be used to improve our work and drive forward a culture of continuous improvement.
* Complaints and any learning will be reported transparently to the Board of Trustees and to the commissioners of our services wherever this is required.
* Training will be provided to managers and senior workers to support them in the effective investigation and management of complaints.

**4. Timescales**

We will usually investigate complaints about things that have happened in the last 6 months. Complaints made outside this time will be responded to but may not follow the formal complaints procedure.

Wherever the complaint relates to a very serious matter or safeguarding concern this time limit would not apply and we would always seek to investigate the matter to the fullest of our abilities.

**5. Support**

We acknowledge that for some the process of making a complaint can be daunting and stressful. We aim to support anyone who is making a complaint in ways that empower them as far as possible. Where appropriate we will draw their attention to the possibility of engaging an independent advocate or enable them to have someone else supporting them throughout the process. This means that during any part of the process an individual may have a family member, peer mentor or advocate to support them if they wish.

**6. Responsibilities**

Responsibility for implementing the Policy and discharging duties within the organisation rests with the nominated lead, the Deputy CEO. They will ensure that there is a central system in place for monitoring and tracking complaints and will maintain oversight of themes and learning.

It is the responsibility of the HR and Governance Manager to ensure systems are in place to familiarise staff with the policy and arrangements through staff induction and training.

Managers and senior workers are responsible for ensuring that the policy is implemented and followed within the services/teams under their supervision and control. They will ensure that all staff and volunteers are aware of their responsibilities relating to complaints, investigating or supporting this as appropriate. They will also maintain oversight of complaints within their area of responsibility, updating a central tracking register and reviewing them on a regular basis (at least quarterly) to ensure that any themes and learning are captured.

All staff and volunteers are responsible for ensuring they understand the Policy and comply with it in the discharge of the roles. Everyone has a duty to identify complaints or concerns

For more information see table of responsibilities, Appendix 2.

**Section B: The Procedure**

The complaint procedure outlines the process for making a complaint about WS Mind.

1. **Informal complaints**

WS Mind is committed to resolving complaints as quickly and easily as possible. In many cases concerns can be addressed by raising them with the member of staff concerned, or their line manager.

To make an informal complaint the concerned party should contact the individual(s) concerned or their senior worker or line manager and we will endeavour to understand and address their concerns, letting them know of any remedial action that is to be taken.

If they don’t know who to contact or do not wish to contact the individual involved, they can email a dedicated email address which will be publicised on our website and in our complaints leaflet.

Where an informal complaint is made, it will still be recorded as a complaint for our records but we will not usually give the individual a written response unless they specifically ask for one.

An informal complaint should be responded to within seven working days, by either a face to face or telephone discussion.

1. **Formal complaint**

A complaint is considered to be 'formal' where an individual:

* States that they wish to make a formal complaint, or
* Have made an informal complaint but are not satisfied with the response, or
* Where the complaint is of a serious or very serious nature

Where an individual has provided feedback without specifically stating that it is a complaint, if staff/senior workers/managers feel it is serious enough to be treated as a formal complaint they should be notified that their feedback is being treated as such. A summary flow chart is shown in Appendix 1.

1. **Registering a complaint**

A formal complaint should usually be made to the senior worker or manager with responsibility for the service, activity, or department that the complaint relates to. This will also be at the lowest most appropriate level – for example where the complaint is regarding this individual it should be made to their direct supervisor. It may be helpful to refer to the WS Mind structure chart to determine this.

The senior worker or manager receiving the complaint will be designated as the investigator for the purpose of this process unless it is agreed that this responsibility should be delegated to another suitable colleague.

1. **Responding to a formal complaint – Stage 1**

The investigator will acknowledge receipt of the complaint within 3 working days of receiving it. When they acknowledge receipt, they will outline the process they will follow and provide a copy of the WS Mind complaint leaflet if the individual has not already received this.

The investigator will explore the complaint. This will usually involve speaking to all parties and witnesses to what happened, reviewing records, and other reasonable steps. A written record of their actions and the findings will be kept.

They will send a written response within 15 working days. This may be sent by email. The response will include WS Mind’s understanding of the complaint and the facts surrounding it which we have been able to establish through our investigation. They will also outline whether they feel the complaint has been upheld and how we propose to respond. This may involve an apology. Often this will resolve the issue satisfactorily for all parties.

The response will include information about the steps which they can take if they are not satisfied with the outcome of the complaint, referencing the complaint leaflet.

1. **Responding to a formal complaint – Stage 2 – Appeal**

If the individual is not satisfied with the response at Stage 1 they can then ask for the matter to be further investigated and reviewed. They will need to outline the basis for their appeal.

This review will usually be undertaken by the next most senior person – usually the Manager or Senior Manager responsible for the area of work. They will acknowledge receipt of the appeal within 3 working days of receiving it. They may request a meeting or telephone conversation with the individual as part of their investigation where the necessary.

A further written response should be made within 15 working days. The response should include informing the individual of the steps which they can take if they are not satisfied with the outcome of the complaint.

1. **Responding to a formal complaint – Stage 3 – Final Appeal**

If the individual remains unhappy with the response at Stage 2 they can then ask for the matter to be reviewed by the next most senior person – usually the Senior Manager, CEO or a member of the Board of Trustees. They will need to outline the basis for this appeal.

They will acknowledge receipt of the appeal within 3 working days of receiving it. They will review the investigation, make any further enquiries and respond within 15 working days. This will be the final decision of the complaints process.

If following this if the individual remains dissatisfied then they may wish to contact the Charity Commission or Fundraising Regulator, subject to the nature of the complaint.

1. **Complaints of a very serious nature**

Very occasionally an individual may make a complaint which raises concerns that the law has been broken or that staff have seriously breached WS Mind Policies. In the case of complaints which suggest serious violations by a member of staff or volunteer, such as physical or verbal violence, abuse, theft or illegal activity by the organisation, there will be no time limit on investigating the complaint.

Such complaints will always be investigated promptly and rigorously and may also be subject to disciplinary or other legal processes which could override the Complaint Policy and timescales. Where necessary the West Sussex Mind Child Protection or Adult Safeguarding Policies will be followed, and advice sought from relevant professionals including Sussex Police or the Local Area Designated Officer (LADO).

In addition, whilst these formal investigations are being carried out, or even if they have been completed, it may not be possible to comment on, or inform the complainant of the specific outcome. In such circumstances, any aspect of the complaint which is not subject to these processes will be responded to. Where there are restrictions this will be clearly explained to the complainant.

The Senior Managers responsible for the activity, CEO and Chair of Trustees should always be made aware of such complaints and should be actively involved in managing and resolving all complaints of a very serious nature.

1. **Malicious, vexatious, discriminatory or persistently unfounded complaints**

Most complaints are made as the result of a genuine concern. It is important, therefore, that complaints are taken seriously and thoroughly investigated.

There may however be occasions when a person makes a complaint which may have a malicious or vexatious intent. Where this is discovered through the process of an investigation, WS Mind will consider actions that need to be taken to protect its staff and volunteers, should this be considered appropriate or necessary.

Decision making around this should always be discussed with the Senior Manager responsible for the area of activity and must always be clearly recorded.

**Appendix 1: Formal Complaint process**

**Appendix 2 – Schedule of responsibilities**

|  |  |
| --- | --- |
| **Grade** | **Responsibilities** |
| **Volunteer/Peer Mentor** | * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 1: Support worker** | * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 2: Recovery worker** | * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 3: Co-ordinator/ Senior worker** | * **Investigating and responding to complaints** * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 4: Team leader/ project manager** | * **Investigating and responding to complaints** * **Maintaining oversight of complaints with their area of responsibility** * **Investigating esclated complaints** * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 5: Team manager/ Deputy service manager** | * **Investigating and responding to complaints** * **Maintaining oversight of complaints with their area of responsibility** * **Investigating esclated complaints** * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 6 and 7: Service manager** | * **Investigating and responding to complaints** * **Maintaining oversight of complaints with their area of responsibility** * **Investigating esclated complaints** * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **Grade 8 - Head of service** | * **Investigating and responding to complaints** * **Maintaining oversight of complaints with their area of responsibility** * **Overseeing implementation of the Complaints Policy across their area of responsibility** * **Investigating esclated complaints** * Being familiar with the Complaints Policy * Following the Complaints Policy |
| **G9 Deputy CEO** | * **Investigating and responding to complaints** * **Maintaining oversight of complaints with their area of responsibility** * **Investigating esclated complaints** * **Overseeing implementation of the Complaints Policy across WS Mind** * **Reporting to the Board of Trustees** * Being familiar with the Complaints Policy * Following the Complaints Policy |

**n.b. there is some overlap of responsibilities by grade. This may vary, subject to the structure of the team or service**