

# Complaints Policy and Procedure

## Document Control

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Related Policies & Procedures	Child Protection Policy Adult Safeguarding Policy Service User Feedback Policy Data Protection Policy Whistleblowing Policy
Replaces (if relevant)	Complaints Policy Jan 2021
References	

## Quality checklist

Relevant sections in MQM/IIP	MQM standard 16
Equality Impact Asst completed	Yes – considered at EDI Working Group 06.02.2024 and action plan will be reported against until discharged
Evidence of user involvement	Yes – Shared with Service Managers for discussion at forums and discussed at Meeting of Minds

## Change History

Version	Owner	Changed by	Change Summary	Date
2	DCEO	DCEO	Changed owner to DCEO	8/9/24

## **SECTION A: The Policy**

### **1. Context and purpose**

West Sussex Mind (WS Mind) is committed to ensuring that everything we do 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.

Where a complaint relates to discrimination the findings of this will be reported anonymously to the Equality, Diversity and Inclusion Working Group to ensure that any organisational learning is captured, shared and implemented as appropriate.

### **3. Complaints Policy**

We welcome complaints and see them as an important element of feedback and a positive contribution to us learning, enabling us to be the best we can be. 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 accessible to all regardless of personal circumstances, individual needs or protected characteristics.
- Making a complaint will not harm or prejudice any service or support 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 agreed time frames.
- 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, as well as 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**

All employees 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.

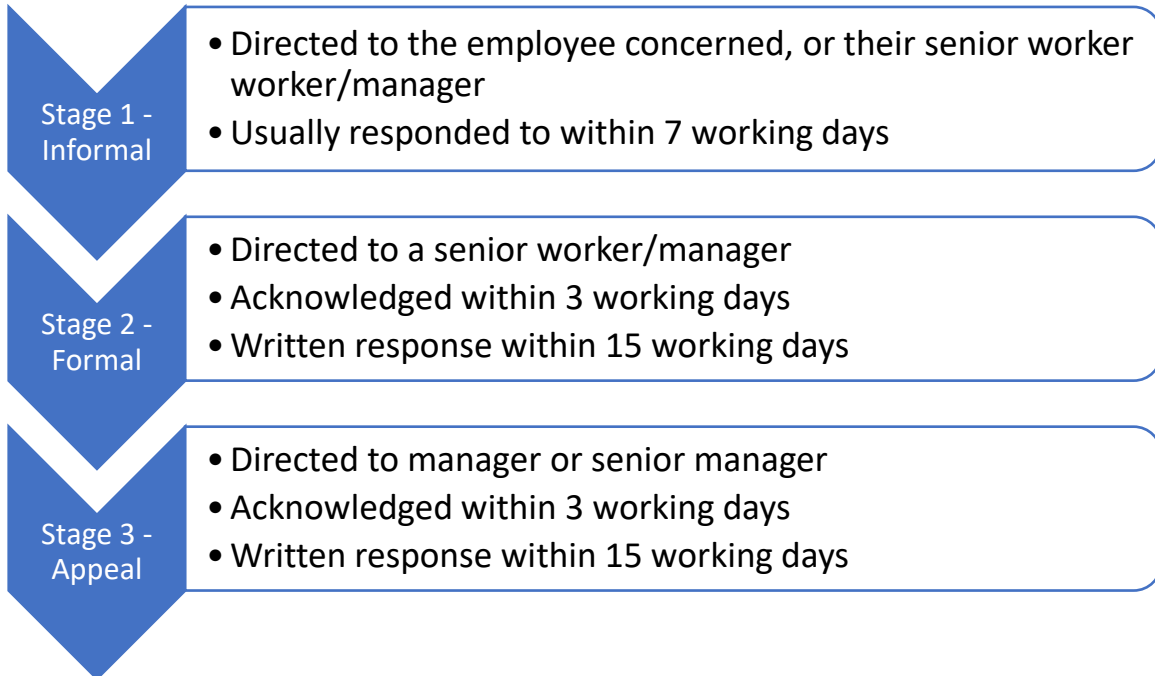
Managers and senior workers are responsible for ensuring that the policy is implemented and followed within the services/teams under their supervision and control. They will ensure that all employees and volunteers are aware of their responsibilities relating to complaints, investigating or supporting this as appropriate. They will also maintain oversight of complaints within their area of responsibility, following WS Mind recording systems.

The Head of People and Governance will ensure that systems are in place to familiarise employees with the policy and arrangements through employee induction and training.

The DCEO has responsibility for overall oversight and implementation of the policy within the organisation and reporting to the Board of Trustees via the Operations Sub Committee.

## Section B: The Procedure

The complaint procedure outlines the process for making a complaint about WS Mind which is summarised in the table below.



### 1. Informal complaint

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 employee 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 [info@westsussexmind.org](mailto:info@westsussexmind.org) and we will direct the concern to the most appropriate person.

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. Where this is not possible we will keep the individual informed.

### 2. 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 WS Mind consider the complaint to be of a serious nature

Where an individual has provided feedback without specifically stating that it is a complaint, if the employee/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 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.

The senior worker or manager receiving the complaint will usually be designated as the investigator for the purpose of this process. This would 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 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 any witnesses, reviewing records, and all other reasonable steps. A written record of their actions and the findings will be kept.

The investigator will send a written response to the complainant within 15 working days, usually by email. The response will include:

- WS Mind’s understanding of the complaint and the facts surrounding it
- Any information that has been established through the investigation
- A clear outline of whether the complaint has been upheld, partially upheld or not upheld
- Any action we would propose to take in response to the concerns or provide redress as a result of the findings
- The steps the individual can take to appeal if they are dissatisfied with the outcome

### **3. Appeal**

If the individual is not satisfied with the response to a formal complaint then they can 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 a 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 would usually request a meeting or telephone conversation with the individual as part of their investigation.

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.

#### **4. Other bodies**

If following appeal if the individual remains dissatisfied then they may wish to contact the Charity Commission, the Fundraising Regulator, Information Commissioner or another appropriate statutory or regulatory body subject to the nature of the complaint.

WS Mind will cooperate with the individual in identifying appropriate body where they continue to have concerns and will take no action to obstruct or frustrate them escalating the matter.

#### **5. 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, DCEO, 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.

#### **6. 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 employees 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.