

# **LIVE WELL IN BRAUNTON**

## **COMPLAINTS POLICY**

### **1. Introduction**

1.1 We always welcome feedback and will use this to improve our services. Sometimes, however, we may fail to meet our own standards and receive a complaint about us

1.2 We will deal with all complaints sensitively fairly and effectively and will do our best to ensure that all complaints receive a full and timely response. No complaint will be disregarded.

1.3 Our policy reflects our commitment to appropriate safeguarding and to understand why things may have gone wrong so as to prevent such failures in the future

1.4 Courteous, timely and effective management of complaints is essential to maintain and build on our relationships that we have with our service users and organisation.

### **2. Purpose**

2.1 We need to set out how we will respond to and manage complaints

2.2 We need to learn from our mistakes to improve our services and improve how we deal with concerns so as to encourage improvement

2.3 We need to ensure that the procedures in this policy are robust open and transparent and encourage learning and improvement

### **3. Scope**

3.1 This policy applies to everyone working in our organisation in every facet and whether paid or voluntary

3.2 The policy applies to complaints from our service users, organisations with whom we work and the public

3.3 Complaints include complaints about our services and the conduct of all our workers

3.4 Individuals within our organisation should refer to the grievance, whistle-blowing and safeguarding policies as appropriate with regard to any complaint

### **4.. Definitions and Legal Content**

4.1 We define a complaint as an expression of dissatisfaction with something our organisation or someone acting on our behalf has done, whether justified or not

4.2 This definition recognises any dissatisfaction reported to us about our performance, the application of our policies and procedures or our service provision

4.3 The Complainant is the individual or group that has raised the complaint

4.4 The Investigator is the person or committee of persons tasked with investigating a complaint and may be independent of our organisation

4.5 A Serious Incident is any situation where there is a significant risk to an adult or child or significant harm to any individual, property, funds the work of our organisation or reputation or in all cases potential therefor

4.6 The Complaints Procedure is our formal two stage process of addressing any complaint

4.7 Criticism and complaint are not necessarily the same. Criticism may for example reflect a different viewpoint. Any criticism will, if the Complainant defines it as such and wishes it acknowledged as a complaint, always be treated as a complaint under our Complaints Procedure

4.8 All complaints, if not made in writing by the Complainant, must be recorded in writing and the text agreed by the Complainant so that the complaint is precisely defined

## **5. How we manage Complaints**

5.1 We aim to resolve complaints swiftly and effectively

5.2 If the complaint does not relate to a matter which is a Serious Incident and if the Complainant does not wish to invoke the Complaints Procedure then the Complaint may be dealt with informally

5.3 The person receiving the Complaint shall refer the matter to the Chair or the Safeguarding Lead who shall appoint an Investigator ( who may be themselves ) in all cases

5.4 The Investigator shall appoint an individual or committee of individuals which is most appropriate to resolve the matter satisfactorily and may be or include the person receiving the Complaint from the Complainant provided that person is not responsible for the complaint

5.5 If the Complaint is to be dealt with informally then the Investigator must keep a well defined distinction between the formal and informal stages of the complaints process and inform the Complainant of their right to have the Complaint dealt with formally if they request this

5.6 It is only appropriate to deal with a Complaint informally if it can be resolved simply either at or close to the first point of contact

5.7 At any stage of the complaints process the Investigator may become aware that the criteria for reporting a Serious Incident has been met. If the Complaint includes a safeguarding concern or allegation then the procedures outlined in the Safeguarding Policy will be followed. A safeguarding allegation includes any behaviour that has or might lead to the harm of a child or vulnerable adult, the possible commission or planning of a criminal offence against a child or vulnerable adult or behaviour indicating the person is unsuitable to work with children or vulnerable adults

5.8 If the criteria for reporting a Serious Incident is met which does not include a Safeguarding issue then the Investigator should consider whether it would be appropriate and at what stage there should be an independent investigation

5.9 If it is considered at any point an independent investigation is required the Investigator is advised to approach North Devon Voluntary Services for the use of its services

## **6. We may be unable to consider a complaint in certain circumstances**

6.1 Where the complaint is not about our organisation. In that instance we shall refer the Complainant to that organisation. We reserve however the right where we consider it appropriate to record the complaint and details relating to it. If the complaint relates to a safeguarding issue then we will invoke the procedures under our Safeguarding policy

6.2 Where all steps have been taken to respond to the Complaint previously

6.3 Where the Complainant has failed to identify themselves or provide their contact details

6.4 Where inadequate information is provided by the Complainant

6.5 When the complaint has been received by us and other organisations as a bulk mailing

In such cases it will still be appropriate where possible to acknowledge the communication, provide an explanation as to why the points raised will not be addressed and state how any further correspondence will be managed. If a Complaint is accompanied by obscene language or behaviour then we reserve the right not to deal with the Complaint

## **8. Recording and Privacy**

8.1 We maintain the confidentiality of all personal information and do not disclose anything without explicit permission unless legally obliged to do so. All information is kept strictly in accordance with the General Data Protection Regulations 2018 and associated legislation

8.2 All complaints whether dealt with formally or informally will be documented in writing containing information about how each Complaint was handled and resolved and recorded in a central complaints register. The Register will record the names of the Investigator and the Complainant a summary of the key investigating points the complaint outcome and any residual actions

8.3 Informal Complaints records will be retained for a minimum of 6 years and Formal Complaints records for a minimum of 25 years. These records need not be paper based and may be in externally sourced secure cloud storage

8.4 Complaint themes will be measured on a regular basis to increase understanding of why complaints have been raised and to improve quality of service delivery. This information will be shared only after all information enabling an individual, a group of individuals or organisation to be identified has been excluded. All complaint themes will be regularly reported to the Management Committee and included in an Annual Report

## **9. Complaint Procedure Stage One**

9.1 All complaints must be notified to the Chair or the Safeguarding Lead within two working days by the person receiving the complaint and the Chair or the Safeguarding Lead must appoint an Investigator within two working days and inform the Complainant so that the Complainant has reassurance that the complaint is being dealt with

9.2 The Investigator will agree with the Complainant whether the complaint will be dealt with informally or formally and the Investigator will then inform the Complainant how the Investigator proposes to proceed with the investigation

9.3 In normal circumstances the Investigator should provide the Complainant with the findings and conclusions of the investigation within ten working days

9.4 If the investigation will take longer than ten working days the Investigator should explain to the Complainant the reason for the longer time and endeavour to resolve the Complaint as soon thereafter as possible

9.5 The resolution of the Complaint should include the reasoning behind the Investigator's findings and conclusions, any action taken and details of how the Complainant can submit an Appeal if dissatisfied with the outcome

9.6 It is good practice that the Investigator provide an opportunity to meet face to face with the Complainant. This meeting may take place at the discretion of the Investigator at the outset or after the Investigator has undertaken other investigatory work

9.7 We will make every effort to be sensitive to the Complainant's individual circumstances and background. It may be beneficial for the Complainant to be supported by a friend or relative during the complaint procedure

## **10 Complaints Procedure Stage Two Appeal**

10.1 If the Complainant is dissatisfied with our response at Stage One then the Complainant may request that the Complaint be considered at Stage Two Appeal

10.2 In order to ensure that a Complaint is resolved within a timely manner in the interests of all parties the Complainant is asked to bring an Appeal within ten working days of the Complainant receiving the outcome at Stage 1. The Complainant is asked to explain their reasons for dissatisfaction with the outcome. If the Complainant brings an Appeal outside this time limit the Appeal will not be barred but the Complainant is reminded that delay in doing so may affect the ability to consider the Appeal and excessive delay may result in an Appeal being refused

10.3 The Chair will decide how the Appeal will proceed and whether a further review is required. The Chair may, in consultation with others if the Chair considers appropriate, decide to appoint an external Investigator

10.4 However the Chair has the discretion to hear the Appeal internally or to appoint another external Investigator. An external person may be utilised to provide advice

10.5 It is important that the choice of appeal procedure takes into account the concepts of fairness, objectivity, openness and robustness and that the views of the Complainant are taken into account

10.6 The Complainant must be informed of the appeal procedure to be adopted within eight working days from the lodging of the Appeal

10.7 Circumstances for an Appeal could include procedural reasons arising in the first stage such as a failure to:

- make the Complaints Policy and Procedure available
- recognise and accommodate the Complainant's individual circumstances
- convene a meeting to discuss the complaint with the Complainant
- ensure that the Complainant was kept informed
- adhere to expected and agreed deadlines
- report the basis of findings
- make sure that the Complaint was considered impartially

10.8 The Stage Two Appeal Investigator should make all practical attempts to meet directly with the Complainant or otherwise explain why such a meeting did not take place or was not required

10.9 The Stage Two Appeal Investigator will conclude their findings either rejecting the Appeal and confirming the original decision or endorsing the Appeal making suitable recommendations

10.10 The Appeal decision must be provided in writing to the Complainant within 10 working days of the decision to consider the Appeal or within 10 working days following an Appeal meeting with the Complainant whichever is the later. The response must include:

- the findings and conclusion regarding the original decision
- any action to be taken to address the Complaint
- clarification the Appeal stage outcome is final
- details of external agencies to register their dissatisfaction if the Complainant remains dissatisfied with the outcome

## **11. Review**

This policy will be reviewed every three years or more frequently in line with learning and improvement of service delivery

## **12. Associated Policies**

Safeguarding Policy. Whistle-blowing Policy. Disciplinary and Grievance Procedures