
Policy name:	Complaints Policy and Procedure
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1 **Introduction**

- 1.1 We are committed to providing a high quality mental health service for our members and working in an open and accountable way that builds the trust and respect of all our “stakeholders”. One of the ways in which we can continue to improve our service is by listening and responding to the views of our service users, staff, trustees, volunteers or services, and in particular by responding positively to complaints, and by putting mistakes right.
- 1.2 This procedure deals with complaints made against staff, trustees, and volunteers of our services from people external to the organisation or service users.
- 1.3 This procedure should be read in conjunction with our confidentiality policy and harassment policy.
- 1.4 The confidentiality of any complaint will be given high priority in so far as this is consistent with the need to investigate the complaint.

2 **Principles**

- 2.1 It is an essential right for all those who use the services provided by Mind Monmouthshire to have the opportunity to make a complaint. This can be a valuable way of evaluating and improving the services offered and of ensuring they are responsive to the needs and preferences of users.
- 2.2 The complaints procedure is intended to be timely, effective and easily understandable. To ensure fairness, any investigation required will be carried out by someone who was not directly involved with the incident relating to the complaint.

- 2.3 Every effort will be made to try and resolve any complaint as soon as possible with the person concerned. If however it is necessary to take the matter further it will be done in line with the procedure described below.
- 2.4 We recognise that making a complaint can be difficult and stressful for the person making the complaint. Therefore appropriate assistance will be offered to the complainant, who at any stage during the complaint may seek the help of an independent advocate and we will provide information on this on request. (For example to put a verbal complaint into writing in line with this procedure)
- 2.5 We will seek to ensure complainants feel confident that the issues they raise will be investigated and responded to fairly, promptly, politely and confidentially.
- 2.6 A complaint can also be stressful for a person against whom a complaint is made and that person will be given appropriate support. Any member of staff, volunteer or trustee against whom a complaint is made will be given the fullest opportunity to answer any criticisms.
- 2.7 Some complaints have or may have financial or legal consequences. In such cases insurers require Mind Monmouthshire to cease direct contact with the complainant. It may then be necessary in the interests of the complainant to refer them to another agency both for assistance with the complaint and to ensure that their service needs are met.
- 2.8 Mind Monmouthshire will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of Mind Monmouthshire's confidentiality policy. This states that, if a complaint is to be properly investigated and action taken as a result of the complaint, it may not always be possible to avoid a breach of confidentiality. The permission of the complainant will be sought for this but when the welfare of the complainant or other people is seriously at risk it may be necessary to breach confidentiality even if that permission is withheld.
- 2.9 It is important all staff, trustees and volunteers understand how to deal with complaints; it is covered during all staff, volunteer and trustee induction and ongoing in-house training. We will seek to ensure that every user of our services is aware that this procedure exists and knows how to make a complaint. A 'How to Complain' notice will be on display in an accessible location within each service location and copies of this policy and procedure will be available on request.
- 2.10 There may be occasions where such information needs to be adapted or presented in a format that service users with particular needs can access and understand - for example by using multimedia presentation, pictograms, or in translation. Staff should be sensitive to such needs and should be pro-active about addressing matters when necessary. It may also be appropriate to steer

to external advocacy services (or other relevant services) to represent users if required.

- 2.11 A complainant's responsibility is to bring their complaint, verbally or in writing, to our attention within eight weeks of the issue arising, raise concerns promptly and directly with a member of staff, explain the complaint as clearly and as fully as possible, including any action taken to date, allow Mind Monmouthshire a reasonable time to deal with the matter and to recognise that some circumstances may be beyond our control.
- 2.12 Monitoring and Reporting: Trustees of Mind Monmouthshire will receive annually an anonymised report of complaints made and their resolution.

3 Complaints Procedure

- 3.1 If any person is expressing dissatisfaction with any aspect of Mind Monmouthshire services the following procedure should be followed. It applies equally whether this person is a service user, an external individual or representing an organisation.
- 3.2 Initially discuss with the complainant exactly what it is they are unhappy about. If the matter can be easily and quickly resolved take appropriate action to resolve it. Make sure you let your line manager know what action you have taken. The matter has then been dealt with informally.
- 3.3 If the matter cannot be satisfactorily resolved informally, then the formal complaints procedure should be followed as described below.

4 Stage one - Formal

- 4.1 The complaint should be sent in writing (Support will be provided should the complainant need help to make the written complaint) to the appropriate person depending upon who the complaint is against:
- Complaint against a member of staff or volunteer: to the Director
 - Complaint against the Director: to the Chairman
 - Complaint against a trustee: to the Chairman
 - Complaint against the Chairman: to the Director, for the attention of the trustees
- 4.2 The letter should set out the details of the complaint, the consequences as a result, and the remedy sought. An acknowledgement of the complaint will be sent within four working days of receipt, with a response and an explanation within 15 working days.

- 4.3 The person who receives the complaint will carry out an investigation (referred to as the investigating officer), or, where appropriate, appoint someone else to do so. The investigator will report the results in writing within three weeks to the complainant and the relevant members of staff.
- 4.4 If the complainant or the person about whom the complaint is made is unhappy with the results of this they can then ask for the complaint to be referred to the next stage. The request should be made in writing to the Chairman.
- 4.5 All complaints are different and the response to them varies. However the general principle in responding to any complaint is to gather as full and fair a picture of events as is possible, based on evidence and facts rather than supposition, in as transparent and open manner as possible. Once the investigation has taken place the investigating officer will decide on whether the complaint is upheld, not upheld or part upheld.
- 4.6 The complainant must be informed of the outcome in writing. If the complaint is either upheld or part upheld then the complainant should be informed of the actions Mind Monmouthshire proposes to take to rectify matters.
- 4.7 The complainant should be informed of their right to appeal if they are still dissatisfied at the outcome.

5 Stage two – Appeal

- 5.1 If the complainant is not satisfied with the initial response to the complaint then they can write to the Chairman and ask for the complaint and the response to be reviewed.
- 5.2 An acknowledgment of the complaint will be sent within four working days of receipt, with a response and an explanation within 15 working days.
- 5.3 However, inevitably some issues will be more complex and therefore may require longer to be fully investigated. Consequently timescales given for handling and responding to complaints are indicative. If a matter requires more detailed investigation, the complainant will receive an interim response describing what is being done to deal with the matter, and when a full reply can be expected and from whom.
- 5.4 On receiving the complaint the Chairman will decide whether the complaint should proceed to this level. If he/she decides it should not, he/she will write to the complainant explaining why. If he/she deems that it should, the Chairman will set up a panel to consider the complaint. Members of the Appeal Panel should not have been previously involved in the process.

- 5.5 The panel will generally consist of three people, one of whom will be a service user. These will usually all be trustees, but the Chairman may replace one or more of the trustees with people independent of Mind Monmouthshire if appropriate. The panel will aim to meet within 28 days, although this may take longer in complicated cases.
- 5.6 The panel will invite to the meeting the complainant and the person or persons against whom the complaint has been made. Any such person may be accompanied to the meeting by a friend or supporter, or by an independent advocate.
- 5.7 The panel will report their decision and any recommendations in writing to the complainant and to any persons against whom the complaint was made within 21 days. The decision of the Panel will be final.