



# Complaints Policy and Procedure

## **1. Introduction & Purpose**

Harrow Mencap views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint. As an organisation we are committed to providing the best possible services and recognise that the way we manage feedback is an important part of this. This policy refers to complaints made by clients and / or families who are not happy with the service they have received from Harrow Mencap or by the way they may have been treated by any member of staff.

### **Definition of a Complaint**

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of Harrow Mencap. It can be expressed in writing, pictures or verbally.

A grievance is where you feel dissatisfied with any matter relating to your employment. It is not a complaint and the process is covered in the *Grievance Policy and Procedure*.

### **Our policy is to:**

- Provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- Publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- Make sure everyone at Harrow Mencap knows what to do if a complaint is received
- Make sure all complaints are investigated fairly and in a timely way
- Ensure complainants are kept informed about timescales and progress when we investigate their complaint
- Make sure that complaints are, wherever possible, resolved and that relationships are repaired
- Ensure people are confident we will manage complaints

honestly, constructively, sensitively and fairly

- Gather information which helps us to improve what we do.

## Care Act Compliance

Harrow Mencap is fully committed to compliance with the Care Act 2014. All employees must act in accordance with the key principles of the Care Act, which are noted below:

- The person know best
- Person's views, wishes, feelings and beliefs should always be considered
- The focus is on well-being, prevention or delaying the development of the need for care and support and reducing needs
- Decisions should be made taking all circumstances into consideration
- Decisions with the person's participation
- The need to balance the person's wellbeing with that of the family and friends involved with the person
- The need to protect people from abuse and neglect
- The need to minimise the restriction of rights or freedom of action
- A strength-based approach is critical to assessment and promoting independence
- The need to consider risk and proportionality when deciding how best to respond to safeguarding concerns.

## **2. Procedure**

### **Responsibility:**

- The Service Manager is responsible for investigation and resolution of:
  - Stage 1 – Informal Resolution issues / complaints
  - Stage 2– Resolution by the Service issues / complaints

- The General Executive Manager is responsible for monitoring that the correct process is being followed for all complaints
- The Deputy Chief Executive is responsible for investigation and resolution of Stage 3 complaints
- The Board is responsible for all Stage 4 complaints.

### Steps in procedure:

- a) Complaint received
  - Verbal, writing or pictorial
- b) Record and log
  - Complaints Record and Complaints Log – these are held in the following locations:
    - Advocacy & Engagement –
    - Community Support –
    - Harrow Mencap Central Log -
- c) Inform appropriate others
  - Line manager and escalate as per stages below
- d) Seek advice as necessary
  - Line manager or another appropriate person
- e) Determine action
  - Agree actions to resolve matter
- f) Inform complainant
  - In writing
- g) Follow action through
  - Complete actions
- h) Record and inform complainant of outcome
  - record on Complaints Log
- i) If outcome not satisfactory, refer complainant to relevant others

### Stage 1 – Informal Resolution

- In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate
- Whether or not the complaint has been resolved, **staff MUST record**

**the issue/concern and the action on the Complaints Record Form** see Appendix A, (this form can be found in our website and offices), this information should be passed to the Manager of that service. Within 24 hours

- On receiving the complaint, **the manager records it in the department's complaints log**. If it has not already been resolved, the manager will delegate to an appropriate person to investigate it and to take appropriate action
- If the complaint cannot be resolved at this level, it should be escalated to Stage 2 and the complaints log updated to reflect this.

### **Stage 2 – Resolution by the Service (Department)**

- The Service will take over a concern/complaint that could not be resolved in the first instance between the staff and any client/members of the public
- If the complaint relates to a specific person, they should be informed immediately and given a fair opportunity to respond. Complaints should be acknowledged to the complainant by the person handling the complaint within 5 working days
- The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this complaint's procedure should be attached
- Ideally complainants should receive a definitive reply within 25 working days. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given
- Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint
- If the complaint cannot be resolved at this level, it should be escalated to Stage 3 and the Complaints Log updated to reflect this
- If the complaint is against the Service Manager, it should be escalated to the Head of the Department.

### **Stage 3: Investigation by the Deputy Chief Executive**

- This involves the complainant making the complaint, preferably in

writing – (but it could be verbally or in picture or other form) – directly to the Chief Executive of Harrow Mencap or a complaint that could not be resolved at Stage 2

- If the complaint concerns the Chief Executive, the complainant should address the matter to the Chair of Harrow Mencap
- **The details of the complaint must be registered onto the Harrow Mencap Complaints Log at this stage**
- The Deputy Chief Executive will send a letter of acknowledgement to the Complainant within 5 working days – and will appoint a senior member of staff to investigate the complaint and to report back his or her findings
- When the investigation is complete the Deputy Chief Executive will send a letter of explanation to the complainant within 25 working days. This will include an apology, if appropriate, and give appropriate details about what action is being taken to prevent similar future concerns
- Most complaints will be resolved within 25 working days but if the investigation is very complex the process may be extended to a maximum of 65 working days. If there are any delays an apology and an explanation must be sent to the complainant
- **At the end of Stage 3 the Harrow Mencap Complaints Log must be updated with dates of letters and action taken.**

#### **Stage 4: Review by Board of Management**

*(The role of the Board is to check that the appropriate process has been followed in handling the complaint. It is not to challenge the findings of the review already undertaken.)*

- If the complainant is not happy with the findings of the investigation in Stage 2, they may request a Board review.
- This request must be put in writing within 30 days of date of Deputy Chief Executive's letter, addressed to the Chair of Harrow Mencap, and give the reason why the complainant wants the decision reviewed. – not sure re start point for timings on this – is it 30 days from the complaint first being made, because if escalated from stage 2 – they will not have had a letter from the Deputy Chief Executive?
- The Chair will send a letter of acknowledgement to the Complainant within 5 working days
- The Chair (or a delegated Board member) will conduct a review to

see if the investigation was reasonably and fairly conducted and that the response to the investigation was adequate and answered the concerns expressed in the original complaint. This should happen at least within 6 weeks days of the Chair receiving it. The Chair will send a letter to the Complainant advising of the outcome of their review and any appropriate actions required.

- Stage 4 is the final part of the Harrow Mencap complaints management procedure.
- If complainants still feel that they have not been treated fairly, or not done what we reasonably could, they may take their complaint to an independent organisation. For example: -The Care Quality Commission (CQC) or The Charity Commission – or the authority who is funding their service (this may be the Council or the local NHS)
- **At the end of Stage 4 the Harrow Mencap Complaints Log must be updated with dates of letters and action taken.**

### **3. Follow Up Action and Lessons Learnt**

All data from complaints will be discussed by Senior Managers. Action Plans will identify what changes or improvements have been made to ensure that lessons are learnt and that similar issues are not raised again.

Complaints are reviewed annually by the Executive team to identify any trends which may indicate a need to take further action.

#### **Dispute Resolution**

If a dispute arises between Harrow Mencap and an organisation with whom we have a contract, Harrow Mencap will use reasonable endeavours to resolve matters by means of prompt discussion at an appropriate managerial level.

If a dispute is not resolved within 14 days of referral then the Chief Executives of each organisation will speak – and arrange to meet formally within 14 days (or longer if agreed by both parties).

If following the Chief Executives' meeting, resolution is still not agreed the matter should be referred to a mediator appointed by agreement between the organisations within 14 days. The costs of mediation will be determined by the mediator.

#### **4. Templates**

Please see appendices for a sample of the relevant templates. For the most current version please see the shared drive, location noted below.

- Appendix A – Complaints Form
- Appendix B - Complaints Log held in the following location:
  - Y:\Management Information\Complaints Log ???? to be finalised
- Appendix C - Complaints Record:
  - Y:\HM Policies & Procedure NEW/Templates folder
- Appendix D - Practical Guidance for Handling Verbal Complaints



<b>Policy reviewed</b>	October 2015 November 2016 September 2017 April 2019
<b>Next review date</b>	April 2022
<b>Name or position of person responsible for this policy</b>	Head of Corporate Services








**Complaint Form**

We value your feedback – including complaints. Please let us know any dissatisfaction you have on our services or where improvement is required. Your complaint will be treated in strict confidentiality.

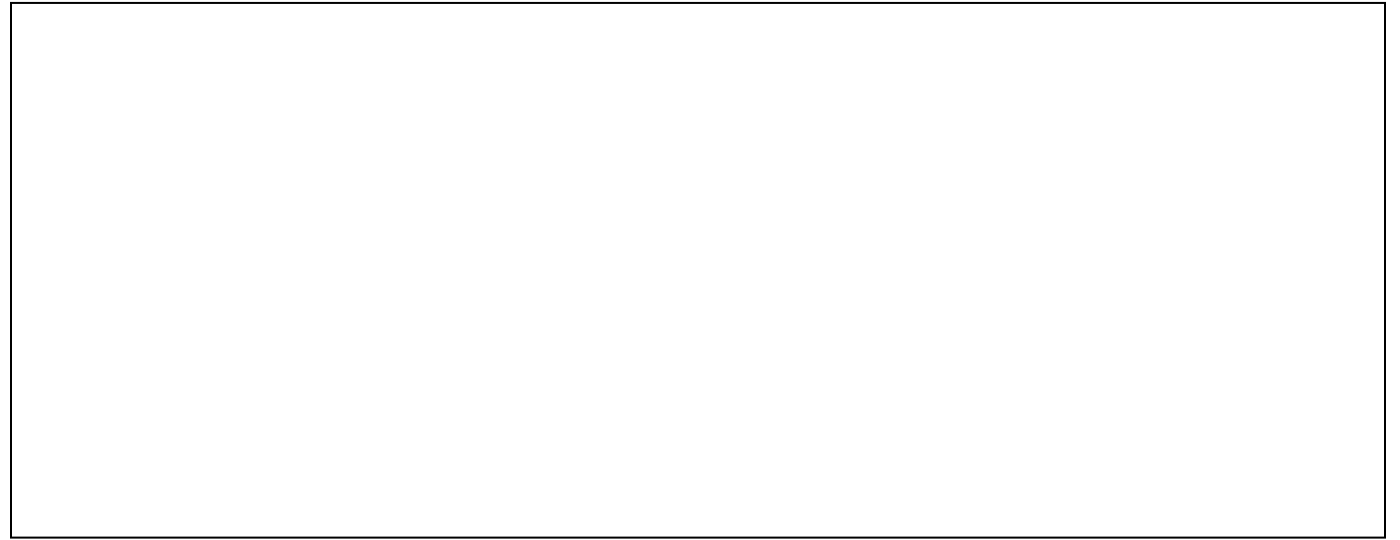
**Personal Details**

 <b>Surname:</b>
 <b>Forenames:</b>

 <b>Address:</b>	 <b>Post Code:</b>
 <b>Telephone:</b>	 <b>E-mail:</b>
 <b>Date:</b>	

**Complaint Details**

Please provide as much information as possible including the date, time, how often the concern has occurred, and the location where the concern occurred. Feel free to use examples. Please list the people involved or any witnesses. You may attach additional pages and reports to this form as needed.



## Appendix B – Complaints Log

Extract from spreadsheet.

No.	Date Received	Date Logged	Business Unit / Project	Name of Complainant	Address of complainant	Details of complaint	Date	Principal Investigator	Stage of Complaint 1, 2 or 3	Actions to be taken and date to be completed	Resolution	Date complainant advised of resolution (must be within 25 days of receipt)	Comments	Date Complaint Closed

## Appendix C – Complaints Record

### Harrow Mencap Complaints Record

Date Received	Date Logged	Business Unit / Project	Who received the complaint
Name of Complainant	Address of Complainant	Details of Complaint	Date of acknowledgement of complaint (within 5 days)
Principal Investigator	Stage of complaint 1, 2 , 3 or 4	Actions to be taken and date to be completed	Resolution (within 25 days)
	Date complainant advised of resolution	Comments	Date Complaint Closed

## Appendix D - Practical Guidance for Handling Verbal Complaints

- Remain calm and respectful throughout the conversation
- Listen - allow the person to talk about the complaint in their own words
- Sometimes a person just wants to "let off steam"
- Don't debate the facts in the first instance, especially if the person is angry
- Show an interest in what is being said
- Obtain details about the complaint before any personal details
- Ask for clarification wherever necessary
- Show that you have understood the complaint by reflecting back what you have noted down
- Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation e.g. "I understand that this situation is frustrating for you"
- If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise
- Ask the person what they would like done to resolve the issue
- Be clear about what you can do, how long it will take and what it will involve
- Don't promise things you can't deliver
- Give clear and valid reasons why requests cannot be met
- Make sure that the person understands what they have been told
- Wherever appropriate, inform the person about the available avenues of review