



## **Dudley Mind**

### **Compliments, Suggestions and Complaints**

#### **1 Policy**

Complaints are welcomed: they provide us with the chance to resolve dissatisfaction and to improve our services. Compliments, suggestions and complaints may also help us to improve. This procedure applies to all complaints, compliments, and suggestions, whether made by service users, other stakeholders or members of the public. Dudley Mind:

- 1.1 Makes sure service users know how they can make compliments, suggestions, and complaints when they take up the service. The complaints process is also publicised through leaflets, the service user handbook and our website.
- 1.2 Takes verbal compliments, suggestions and complaints as seriously as written ones, and records all complaints.
- 1.3 Encourages service users to make compliments, suggestions and complaints and gives a quick answer after investigation. The Compliments, Suggestions & Complaints box at Dove House will be opened daily.
- 1.4 Takes account of the content of compliments, suggestions and complaints and acts accordingly.
- 1.5 Has a systematic approach to complaint handling and investigation.
- 1.6 Will not treat complainants less favourably than people who have not complained.

## **2 Responding to complaints**

- 2.1 A COMPLAINT is a strong expression of dissatisfaction with the way Dudley Mind carries out its work.
- 2.2 Complaints are accepted verbally, on a complaints form, or in other written form. A complainant should be able to complain to anyone, whether this be a front line worker, any manager, or the head office administrator. Once the complaint is received it should be logged with the HR Officer and then past over to the relevant person (detailed below) to investigate.
- 2.3 Staff receiving a verbal complaint should give the complainant an opportunity to complete a complaints form. If this is declined, or if the complainant has difficulty writing, staff should write the complaint as spoken by the complainant onto the complaints form, read it back to the complainant, and ask the complainant to sign the form. If the verbal complaint is taken over the 'phone, instead of asking the complainant to sign the form, staff should note on it that the contents were read back to the complainant and agreed by them.
- 2.4 Staff who receive a letter of complaint should complete the basic detail on the complaints form and attach the letter to it.
- 2.5 Complaints will be considered only on issues that have arisen during the previous 12 months, unless it is a safeguarding issue or involves allegations of criminality.
- 2.6 There are three internal stages to our complaints procedure. Wherever possible complaints will be resolved at Stage 1 by the team manager. If the complaint raises serious issues or if it concerns the conduct of a team manager it should be referred to the Operations Manager.

## **3 Advocacy**

- 3.1 Service users or their carers can nominate an advocate to support them with their complaint.
- 3.2 Dudley Mind staff will not advocate for complainants with complaints against the organisation due to the obvious conflict of interest.
- 3.3 Complainants in need of an advocate should be referred to the local Citizens Advice Bureau or a local advocacy project (for example Dudley Advocacy).

#### **4 Progress through the stages of the complaints procedure**

- 4.1 Only when complaints have not been upheld can they proceed to the next stage of the procedure.
- 4.2 In very occasional or unusual circumstances it may appear there will be no value to either the complainant or Dudley Mind in the complaint progressing. Only the Chief Executive (CEO) can decide not to pursue a complaint according to the standard procedure. All such decisions will be reported to the Management Board.

#### **5 Managing a Stage 1 Complaint**

- 5.1 If staff can resolve the issue on the spot they should do so, and report fully to their manager.
- 5.2 If the issue cannot be resolved immediately, the team manager will ensure the complaint is investigated and will respond in writing within 5 working days. If the investigation has not finished within 5 working days the team manager should reply in writing saying what progress has been made, explaining why the 5 day investigation target has been missed, and give a reasonable date for completion. Details will be kept of the complaint investigation, the results and any action taken.
- 5.3 If the complaint implicates the team manager it may be necessary for the Operations Manager to investigate, or for the Operations Manager to appoint an alternative manager to investigate.
- 5.3 At the conclusion of every Stage 1 investigation, the complainant is informed in writing of the outcome and that if they are still dissatisfied they have a right to appeal to Stage 2 of the Complaints Procedure. The complainant will be told that they have 10 working days to make an appeal in writing. Stage two of the complaints procedure will be administered by the Operations Manager, unless the complaint implicates the Operations Manager, in which case it will be administered by the CEO.
- 5.4 Complaints and responses to them should be reported to Head Office. A complaints log will be held by the HR Officer, this log will contain details of all complaints received by the organisation.
- 5.5 Complaints will be a standing agenda item at Board meetings where the results of all complaints will be assessed for trends, and improvement actions examined.

## **6 Managing a Stage 2 Complaint**

- 6.1 Stage 2 is used when the complainant does not accept that their complaint has not been upheld as a result of a Stage 1 investigation.
- 6.2 No new content can be brought to a Stage 2 complaint; new complaints will be investigated at Stage 1 of the process.
- 6.3 When a complainant, their advocate or the project staff inform the Operations Manager that a Stage 2 Complaint has been received the Operations Manager will undertake an investigation. This will consist of a meeting with the complainant to establish why they think the Stage 1 complaint was inadequate or incorrect.
- 6.4 The Operations Manager will then conduct a review of the Stage 1 complaint. They will not conduct a full re-investigation, but elements of fresh investigation may be required if the Stage 1 investigation was inadequate, incomplete or showed bias. The Operations Manager will write a report that summarises their Stage 2 investigation.
- 6.5 The Operations Manager will write within 15 working days of their meeting with the complainant with a written response. This includes stating that the complainant has the right to appeal to the CEO in writing within 10 working days of receipt of the Stage 2 response, or the Chair of the Board of Trustees if the CEO is implicated in the complaint. The Chair may be contacted by writing to The Chair, care of Dudley Mind at the Head Office address. The Operations Manager may choose to meet with the complainant to discuss their decision.
- 6.6 Ensure other persons, with a need to know, are informed of the result. This should include updating the complaints log with the HR Officer.

## **7 Managing a Stage 3 Review**

- 7.1 Stage 3 is used when the complainant is dissatisfied that their complaint has not been upheld at Stage 2. The complainant must request that the complaint proceed to this stage, in writing, to the CEO or Chair as described in 5.5 above. A complaint which has been upheld at Stage 2 cannot go to Stage 3.
- 7.2 Once a request for a stage 3 review has been received it will be passed to the CEO or Chair for acceptance.
- 7.3 The complaint review panel (CRP) will consist of the CEO, one Dudley Mind board member and one independent senior executive from a partner organisation, unless the CEO is implicated in the

complaint, in which case a second board member will sit on the panel. The CRP will be supported by the HR Officer who will take administrative responsibility; initially this will mean convening the panel, sending out appropriate papers and informing the complainant of the date, time and location of the CRP.

- 7.4 The role of the Complaints Review Panel is to:
  - 7.4.1 Review the way the investigation was carried out and judge whether this was done adequately and competently.
  - 7.4.2 Review the Stage 2 decision and conclude if it is logical and follows from the investigation information.
  - 7.4.3 Review the Stage 2 decision and conclude if it is consistent with other decisions taken by Dudley Mind.
  - 7.4.4 Substitute other decisions if necessary.
- 7.5 The Complaints Review Panel will be conducted to ensure the following:
  - 7.5.1 The complainant has the chance to explain their dissatisfaction with the Stage 2 investigation or the decision, and to ask questions about either.
  - 7.5.2 Dudley Mind staff have an opportunity to justify the investigation and the subsequent decision. If the CRP judges that the investigation has not been conducted satisfactorily they may request that the investigation be re-opened. The panel itself will not carry out investigations with witnesses.
  - 7.5.3 The panel will discuss privately with Dudley Mind staff any recommendations on compensation or working practice which they are considering, to enable Dudley Mind to comment on these before a decision is made.
  - 7.5.4 The CRP will make a decision within 24 hours of the end of the panel. This will include any redress or compensation. The CEO will write to the complainant to advise of the decision within 3 working days of the panel sitting.
- 7.6 The complainant will be informed of any external ombudsman to whom they can refer their complaint if still dissatisfied. In the case of a resident or tenant, this is the Housing Ombudsman.

## **8 Time Frames**

- 8.1 If any of the time frames cannot be met, the complainant should be informed of this in writing with a date by when the investigation or action will have been taken.
- 8.2 The clock will stop if the complainant fails to participate or respond to requests for them to participate, or if the complaint is investigated through a disciplinary investigation or forms part of a disciplinary process.

## **9 Investigation and Discipline**

- 9.1 If the complaint raises an issue of misconduct or incompetence on the part of a staff member, this will be discussed with the Operations Manager, who will discuss it with the HR Officer. If it is decided to investigate through a disciplinary investigation, the complaint investigation will be stopped. If the disciplinary investigation does not provide sufficient evidence for a decision to be made on the complaint, the outstanding issues will be investigated through a complaints investigation, which will recommence after any disciplinary activity has been implemented.
- 9.2 If the police are also investigating allegations for which there is a complaint investigation, the Operations Manager will decide whether the complaint investigation should be suspended, delayed or abandoned.

## **10 Information and Support to Staff**

- 10.1 If a staff member is associated with a complaint made by a complainant, their line-manager is responsible for informing them of the complaint and keeping them apprised of its progress.
- 10.2 If a complainant is verbally complaining about another staff member, the person recording the complaint should let the complainant know that the staff member will be told. If the complainant is opposed to this, then a manager should be informed of this request and meet with the complainant to explain that we welcome complaints and that they will not be treated differently because of their complaint. As an organisation we have to balance our responsibility for the wellbeing of our staff and our duty of care to our service users. There may therefore be some cases where a complainant will be invited to anonymise their complaint. If the complaint needs to be investigated as a disciplinary matter we have a responsibility to inform the staff member under our disciplinary procedure.
- 10.3 If a staff member is being interviewed as part of a Stage 2 investigation, they will usually be given at least a day's warning,

(unless as part of disciplinary process in which case the disciplinary procedure will be followed) and may decide to bring a colleague to provide moral support.

- 10.4 If an investigating officer wants information over the phone, the staff member may insist that instead there is a face-to-face interview.
- 10.5 Those interviewed in the course of a Stage 2 complaint may ask for a copy of the interview report.
- 10.6 No information about a staff member that is obtained in a complaint investigation will be placed on their personnel file unless there has been a separate disciplinary investigation.
- 10.7 Being involved in a complaint investigation can be a stressful experience. It is important that staff should get the support they need although it may not be appropriate for the line-manager to give this, as they may also be involved in the complaint. Alternative support can be organised by HR.

## **11 Frivolous, vexatious and malicious complaints**

- 11.1 Under some specific circumstances Dudley Mind will not proceed with the investigation of a complaint. This will happen when a complaint is deemed to be frivolous, vexatious or malicious. We will never use these definitions to avoid investigating legitimate complaints of whatever kind. We will have a rigorous process for deciding if a complaint is frivolous, vexatious or malicious and this will be adhered to carefully (see 11.2)
  - 11.1.1 Frivolous complaints are those that focus on a trivial matter which is out of proportion to its significance and where a reasonable explanation of the triviality of the subject matter does not suffice to end the complaint. This would include complaints that, even if true, would be so trivial that no reasonable person would find them worth pursuing.
  - 11.1.2 Vexatious complaints are those that are grossly unreasonable or frivolous complaints that are made repeatedly. For example subtly changing the substance of the complaint even though the core issue has been resolved (significantly different issues will be dealt with as new complaints). An unwillingness to accept documentary evidence as factual may also be called vexatious, as may a refusal to clearly identify the core issue of a complaint despite the reasonable efforts of staff.

11.1.3 Malicious complaints are those where the complainant knows there are no reasonable grounds for a complaint. For example deliberately intending to deceive or mislead the investigation of a complaint or making the complaint with an ulterior motive.

11.2 The Operations Manager will decide if a complaint is vexatious, frivolous or malicious according to the definitions in this procedure. The Operations Manager will write to the complainant with their decision and an explanation of their reasoning. The decision will also be submitted in writing to the Board of Trustees for their information. The complainant will be informed that if they wish to challenge this decision it will have to be via the Housing Ombudsman (if they are a tenant/licensee). Other complainants will be told that they may have recourse to the funders of a service they receive and will be furnished with their contact details. The complainant will also be informed of their right to advocacy and furnished with contact details of local organisations who offer such services.

## **12 Compliments and Suggestions**

12.1 A compliment is a favourable response to a Dudley Mind action or service and will help us to understand the things we do that work well. A suggestion is an idea for how we might do things better. Any stakeholder of Dudley Mind or member of the public can make a compliment or suggestion. Dudley Mind's stakeholders include its service users and their carers, statutory agencies and any other organisation that Dudley Mind works in partnership with

There are four ways of making compliments and suggestions:

12.1.1 The stakeholder completes a Compliments, Suggestions or Complaints Form, and puts it in the Compliments, Suggestions and Complaints Box, which staff open daily. The team manager will respond verbally within 5 days. The compliments, suggestions and complaints form will be given to all service users upon acceptance into a Dudley Mind service. It will also be posted out to all existing service users annually. It will also be available upon request from any staff member, or may be printed from our website.

12.1.2 The stakeholder may talk to a member of staff or a volunteer, who will deal with the comment, but will also ask the stakeholder if they want to record their comment on a Comments, Suggestions or Complaints Form. If the stakeholder does not wish to write the comment or suggestion down it will be noted by the receiving staff

member and discussed with the team manager. The team manager will respond verbally within 5 working days. It will then be sent to the HR Officer for filing in the Comments, Suggestions and Complaints file.

12.1.3 A service user may bring the comment or suggestion to a service meeting between users and staff. The service user will be asked if they want to record their comment on a Comments, Suggestions and Complaints Form. If the stakeholder does not wish to write the comment or suggestion down it will be noted by the receiving staff member and discussed with the team manager. The team manager will respond verbally within 5 working days. It will then be sent to the HR Officer for filing in the Comments, Suggestions and Complaints file.

12.1.4 A stakeholder may visit the Dudley Mind website at [www.dudley-mind.org.uk](http://www.dudley-mind.org.uk). There is a section where stakeholders may submit any comments, suggestions or complaints either on the content of the website or on Dudley Mind in general. The website will instruct the stakeholder on how to proceed. If a complaint is submitted this way it will be dealt with according to the procedure detailed above. If a comment or suggestion is submitted this way a response will be given by a team manager within 5 working days via e-mail.

12.2 Any resulting action taken from written comments is recorded on the comments, suggestions and complaints form.