

## COMPLAINTS POLICY & PROCEDURE

*If you are unsure about the validity of the content of this policy please refer to the Policy Owner or Policy Author*

Policy Owner	Head of HR and Information Systems
Policy Author	HR Advisor

Policy Section	Organisational
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Policy Owner	
CE	
Leadership forum	<b>Information Only</b>
Staff Council	<b>Information Only</b>

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## 1. Introduction and Policy Statement

- 1.1 Julian Support is committed to providing high quality, person-centred services. However, if there are problems, it's important to us that service users, their family, friends and carers can raise any concerns about the services we offer and be assured that any complaints will be taken seriously, dealt with sensitively and responded to as quickly as possible in order to ensure a satisfactory resolution.
- 1.2 Therefore, as far as possible, all complaints are dealt with informally and as locally as possible in the first instance. However, where this is not possible or the complaint is very serious, we will also help facilitate access to a formal complaints process where necessary.
- 1.3 The Head of HR & Information Systems is responsible for ensuring that this complaints procedure is complied with and that all complaints and any appeals are logged, acknowledged and monitored. The implementation and coordination of the complaints procedure is managed by the Head of HR & Information Systems who acts as the Complaints Co-ordinator and for the purposes of this process is known as the Complaints Co-ordinator from hereon.
- 1.4 Whilst we always strive to work to the highest standards, with the service user as director of the process, we recognise that people may sometimes need to make a complaint about some aspect of the services we deliver. Complaints, whilst important to the individual, will also provide us with useful learning and reflection on which to improve our services.
- 1.5 It is Julian Support Ltd's policy that the following people are eligible to make a complaint:
  - Any person in receipt of a service provided by Julian Support,
  - The family, friends or carers of any of the above,
  - People with whom Julian Support works professionally or in partnership.

It should be noted that we can only investigate complaints about an aspect that relates to Julian Support's behaviour, we cannot investigate those that relate to other organisations, for example the behaviours of a landlord of a property where we are the support provider.

- 1.6 If a formal complaint is against a member of staff then that member of staff will be advised of the complaint and the details of it. The staff member will be offered the opportunity for support by their line manager, a Trades Union representative or another appropriate workplace colleague throughout the period of the investigation.
- 1.7 Members of staff will be reminded that that they can also avail themselves of the staff counselling service should this be helpful during the period of investigation into any complaint against them.

## **2. The Timing and Nature of Complaints**

- 2.1 Complaints must be made:
  - within one year of either the action, the decision or the failure to act that form the basis of the complaint, or
  - within one year of the time at which the complainant could reasonably have been expected to know about the matter they wish to complain about.
- 2.2 Complaints cannot be made about matters that are under criminal investigation or subject to the decision of a court, statutory tribunal, the Parole Board, the Crown Prosecution Service or the Criminal Cases Review Commission or which have been determined by any of these. In the event that a complaint relates to an existing legal process, Julian Support will consult with their legal advisors before instituting the complaints process.
- 2.3 In situations where a staff member is the subject of a complaint, but has subsequently left JS, attempts will be made to investigate the complaint in line with these procedures. However, JS recognises that former employees are under no obligation to cooperate and JS has no jurisdiction over them. If the former staff member does not wish to engage in the process then JS will undertake a paper-based review.

## **3. Which Level of Complaint Procedure is Appropriate?**

- 3.1 Our aim is to try and resolve all complaints informally - as quickly and as locally as possible,.
- 3.2 The informal stage in the complaints procedure is when the complaint is dealt with by the line manager of the staff member whose action or sphere of activity is the subject of the complaint. Therefore, those wishing to make a complaint should be directed initially to the local manager.
- 3.3 All complainants should use the informal stage of the procedure in the first instance. However, they do have the right to request that the formal procedures are invoked straightaway. In such circumstances the Complaints Co-ordinator, in conjunction with the relevant senior manager will consider the nature of the complaint and determine if the request should be agreed or whether the informal procedures should be implemented first. The complainant will be advised of the decision in the letter of acknowledgement
- 3.4 The initial complaint may be in writing, by telephone, by on line complaint form via the JS website or through direct contact. The local manager needs to decide whether or not it is appropriate to deal with the complaint informally. They may wish to consult their own line manager, but do not have to do so at this stage. The decision between using the informal or the formal level of the procedure is a matter of professional judgement but generally it will be appropriate to use informal proceedings when, for example, it is a complaint about:
  - The inaccuracy of a piece of information
  - The unfairness of a local procedure

- The attitude or approach of a member of staff
- The incompatibility of a support worker with a service user

3.5 Generally it will be appropriate to use formal proceedings when, for example, it is a complaint about:

- A serious matter which could bring the organisations name into disrepute
- A matter which could involve a serious risk to the public
- A matter of staff behaviour which could constitute a breach of discipline
- A matter of JS practice generally

It should be noted that formal proceedings will always be used if a complaint relates to a service user death.

3.6 If it is decided that formal proceedings are appropriate then the local manager should discuss this with their line manager and the complaint passed to the JS Complaints Co-ordinator. The complainant should be asked to put the complaint in writing.

3.7 Making a complaint is not always an easy thing to do. It is important that people feel able to voice their concerns and complaints and that they can be assured that they will be taken seriously and treated fairly. Julian Support staff should make it clear that they will be given time and a fair hearing. Complainants should always be offered the opportunity to attend any meetings with a friend of their choice and, if they so wish, appoint someone as their agent to manage the process on their behalf.

Contact details for advocacy services in Norfolk and Suffolk can be found at the end of this document.

## 4. The Informal Procedure

4.1 If it is decided that informal proceedings are appropriate the local manager should take the following action:

4.1.1 If everything that needs to be actioned to resolve the complaint can be dealt with within 5 working days it may be appropriate to send only the Appendix A3 letter, which details any actions taken and the outcome.

4.1.2 If the complaint can't be addressed within five working days of receiving the informal complaint write to the complainant acknowledging the complaint. **A standard letter for the acknowledgement of an informal complaint is attached at Appendix A1 to these procedure notes and should be used.** This letter includes the information that the complainant can, if they choose, proceed straight to a formal complaint.

4.1.3 Discuss the matter with the complainant if this has not already been done.

- 4.1.4 Discuss the matter with the appropriate member or members of staff.
- 4.2 Following these discussions the local manager should write to the complainant outlining the complaint and the outcome of informal discussions and informing them of their right, if they are not satisfied with the outcome, to make a formal complaint to JS Complaints Co-ordinator, explaining the reasons why they are not satisfied. Notification to the complainant of the outcome of informal discussions should be completed within 20 working days of the complaint being acknowledged in writing. **A standard letter for advising the complainant of the outcome of their complaint is attached as Appendix A3 to these procedure notes and should be used.**
- 4.3 If the complainant is not satisfied with the outcome and wishes to make a formal complaint they should give written notice of this within 10 working days of receiving the letter from the local manager informing them of the outcome of the informal complaint.
- 4.4 Whether complainants use the informal level first or go straight to the formal level of the procedure, the complaint must be made in accordance with the time limit in paragraph 2.1 above.

## 5. The Initial Stage of The Formal Procedure

- 5.1 All complaints at the formal level of the procedure should normally be in writing and directed to the Complaints Co-ordinator. For complainants who have difficulty with written communication JS will accept other formats for making a complaint and will assist the complainant with this. The Complaints Co-ordinator will consult with the relevant senior manager at the initial stages of the procedure.
- 5.2 Complaints relating to actions, decisions or failures to act or decide by the Complaints Coordinator and/or senior manager personally should be directed to the Chief Executive, who will determine the process for investigation based on the principles of this policy and procedure.
- 5.3 The Complaints Co-ordinator will inform the complainant within five working days of receipt of their complaint, whether it is eligible for consideration and, if so, the procedure under which it will be considered and the date by which they will receive a reply. **A standard letter for use in acknowledging a formal complaint is attached as Appendix A2 to these procedure notes and should be used. A copy of this letter will be given to the senior manager responsible for the service.**
- 5.4 The Complaints Co-ordinator will liaise with the senior manager to agree an investigating officer.
- 5.5 The investigating officer will normally be of middle management or senior management grade but will not be the service manager or senior manager responsible for the worker who or the activity that is the subject of the complaint. If it is not possible to identify an

appropriate investigating officer the organisation reserves the right to appoint an external investigator. This course of action is for Julian Support to determine.

- 5.6 The investigating officer will be sent the following information and documentation relating to the complaint:
- The date the complaint was received
  - A copy of the written complaint
  - A copy of official letters or emails relating to the processing of the complaint
  - The date by which an investigation report is required
  - A reminder to notify the Complaints Co-ordinator if additional time is needed for the investigation.

## 6. Formal Investigations

- 6.1 The purpose of a formal investigation is to assess whether or not the complaint should be upheld in full, in part or not at all and to make a recommendation to this effect to the Complaints Coordinator who will decide the outcome of the complaint in conjunction with the relevant senior manager.
- 6.2 At the beginning of the investigation the investigating officer should scope the range of their enquiries. If there has already been an investigation through the informal procedures then the scope may relate only to ensuring that the investigation was undertaken properly and comprehensively and may not require a further investigation. However, if an investigation is required in any circumstances then an initial view needs to be taken as to whether or not the complainant should be interviewed. Dependent upon the level of detail that the complainant has provided this may or may not be necessary. If it is necessary then normally the complainant will be interviewed first, followed by any staff member who is the subject of the complaint, and then any other people who may be able to give relevant and important evidence. The investigating officer will confirm the arrangements for these interviews in writing with those to be interviewed. At each interview the investigating officer should make a written record to which they can refer when compiling their report.
- 6.3 At each stage during the investigation the investigating officer should seek any necessary guidance from the Complaints Coordinator. If at any stage it appears that there may be a disciplinary issue then the matter should be referred to the HR Advisor immediately.
- 6.4 The findings of the investigation, including the investigators opinion about whether or not the complaint should be upheld in part or in full, should be reported in writing to the Complaints Coordinator with any supporting documentation. **There is a standard format for an investigation report, which is attached as Appendix B to these procedure notes and should be used.** Where the view of an investigator is that a complaint should be partially or fully upheld, recommendations for appropriate action should be included in the final section of the report. The Complaints Co-ordinator will determine the outcome and necessary action in conjunction with the relevant senior manager

- 6.5 The deadline for completing the investigation report will be 20 working days after the acknowledgement of the complaint, allowing a further 5 working days for the Complaints Coordinator and senior manager to determine what action is to be taken and the arrange notification of the outcome to the complainant.
- 6.6 The Complaints Co-ordinator will send the outcome, with reasons, in writing to the complainant within 25 working days of acknowledgement of the complaint. **A standard letter for advising the complainant of the outcome of their complaint is attached as Appendix A4 to these procedure notes and should be used.**
- 6.7 Every effort should be made to conclude the investigation process within the required timescale but if in exceptional circumstances (e.g. the complaint is of a particularly complex nature or there are external factors outside of the organisations control) the investigation requires more time then the investigating officer should notify the Complaints Co-ordinator of this in advance of the expiry of the 20 working days. The Complaints Co-ordinator can agree a revised timescale for completion of the investigation and will advise the complainant in writing of the reason for the delay, giving a new date by which they will receive a reply. **A standard letter for advising a complainant that more time is required is attached as Appendix A5 to these procedure notes and should be used.**
- 6.8 Complainants must be informed at the time they are notified of the outcome that they may appeal in writing to the Chief Executive (CE) within 15 working days if they are not satisfied with the outcome and that they must state the reasons for their dissatisfaction.
- 6.9 Staff members who have been the subject of a complaint will be advised of the outcome by letter within the same timescales as those for complainants.

## 7. Appeals

- 7.1 Appeals against the outcome of a formal complaint should be made in writing to the CE, and signed by the complainant wherever practicable. The CE will acknowledge receipt of the appeal within five working days and undertake a paper review of the relevant documentation to determine if the complaint has been properly investigated. If so, the CE will inform the complainant of this outcome. If the CE does not consider the investigation has been properly investigated they will request that the matter is reinvestigated as per the procedure above. Should the complainant not be satisfied with the outcome of the CE's determination they may appeal to the Board of JS by writing to the Board Chair care of the CE. Alternatively it may be appropriate for the complainant to raise their complaint with the authority who commission the service. Details can be provided if this course of action is relevant.
- 7.2 The Complaints Coordinator will convene an appeals panel of at least three individuals, to consist of Board members where practicable, and otherwise to include at least one Board member together with a member or members of the Core Management Team who have not

been involved in the subject of the complaint or its investigation. The Chair of the Appeal Panel will be JS Board Chair or their nominee.

- 7.3 The panel will decide whether it will assist the appeal to meet with the complainant, the Complaints Co-ordinator and the investigating officer.
- 7.4 The panel may also request the presence of advisers for particular purposes e.g. a legal adviser, or a diversity adviser. These will not participate in the decision-making in relation to the appeal.
- 7.5 At least five working days prior to the appeal hearing the panel members and any other attendees should be supplied by the Complaints Coordinator with copies of the investigation report and any other documents relevant to the investigation.
- 7.6 An appeal is not a re-investigation and new evidence will not be admitted unless it was not available at the time of the initial investigation and has, in the view of the Chair of the appeal panel, a direct bearing on the appeal.
- 7.7 The appeal panel can uphold the appeal in full or in part or dismiss the appeal. Their decision is final.
- 7.8 The progress of the appeal and the outcome will be recorded by the Complaints Co-ordinator on **an Appeals Log, attached as Appendix E.**
- 7.9 The Complaints Coordinator will notify the outcome of the appeal in writing to the complainant within 25 working days of acknowledgement of receipt of the appeal. If this timetable cannot be met then prior to the deadline the complainant will be notified in writing of the reasons for the delay and given a new date for notification of the outcome.
- 7.10 Staff members who have been the subject of a complaint will be advised of the outcome of the appeal by letter within the same timescales as those for complainants.

## **8. Recording**

- 8.1 Local managers are responsible for recording the informal complaints which they process including both those received locally and those which have been received by the Complaints Co-ordinator but which, it has been decided, can be processed locally as an informal complaint.
- 8.2 The Complaints Co-ordinator is responsible for recording the formal complaints.
- 8.3 Local Managers and the Complaints Co-ordinator will record complaints using the Complaints Log on the intranet (Julian Support Intranet >Complaints>Complaints Log).
- 8.4 The Complaints Co-ordinator will record appeals using the Appeals Log on the intranet (Julian Support Intranet>Complaints>Appeals Log)

8.5 Each complaint must be given a unique reference number. The reference will be made up as follows:

- The initial of the county (Norfolk or Suffolk)
- The initial of the team to which the complaint refers (the same initials as per incident reports).
- The sequential number of the complaint on the log sheet (o1, o2, etc.)

For example the manager of Devonshire Place adding the third complaint to the spreadsheet would record it as NDPo3.

8.6 Any letters relating to informal complaints dealt with by local managers should be retained in a local folder for two years and marked with the complaint's unique reference number. Thereafter, where the complaint relates to a service user, these papers will be kept with the service user's file

8.7 Investigation reports and any letters relating to formal complaints will be retained in complaint specific files, on the JS intranet, by the Complaints Co-ordinator for a period of six years following the conclusion of the case, including any appeal.

## 9. Diversity Monitoring

9.1 In order to monitor the potential impact on specific groups, monitoring data on complaints will be segmented in relation to complainants and, where applicable, any people complained against, by:

- Gender
- Sexual Orientation
- Religion and belief
- Race
- Pregnancy & maternity
- Marriage and civil partnerships
- Gender reassignment
- Disability
- Age

9.2 This diversity monitoring will be done by way of a confidential log separate to the complaints log, which will not on its own be able to identify individuals making or the subject of complaints. Monitoring logs will be maintained by local managers for informal complaints and by the Complaints Co-ordinator for formal complaints. A copy of the **Diversity Monitoring Log is attached as Appendix D.**

9.3 Complaints alleging discrimination will be reviewed by JS Equality & Diversity Committee following the investigation.

## **10. Review**

- 10.1 Following the completion of any complaint investigation in which the complaint has been partially or fully upheld, the Core Management Team (CMT) will take note of the actions (that have a bearing on JS practice rather than upon an individual) agreed by the Complaints Co-ordinator and the relevant senior manager, and any other appropriate advice from the appeal panel. They will agree an action plan for any required changes in JS practice, procedures or training and the appropriateness of any redress. The CMT will arrange for any plans to be implemented as soon as is practical.
  
- 10.2 In order to assure JS Board that complaints are being properly dealt with, the Complaints Coordinator will provide an annual report to the Board, which will be based on an analysis of the Complaints Log and on any changes made by the CMT consequent to complaints which have been upheld.

## **11. Training**

- 11.1 All Managers and Deputy Managers will receive preparation in the form of coaching in implementing these complaints procedures in order to develop the necessary skills prior to their undertaking complaints tasks appropriate to their level of responsibility. Managers will also receive a briefing to share with their teams so that all staff have an understanding of the JS complaints procedure. This will include corporate services staff and service based administrative staff, who may often be the first point of contact for a complaint.

## Advocacy Contacts

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