

Hunts Mind



For better
mental health

Hunts Mind Complaints Policy & Procedure

Ratified by the Board of Trustees in February 2010
Amended in June 2010 – format only
Reviewed in July 2011 and re-ratified in July 2011

To be reviewed July 2013 or as legislation changes

**The Limes
24, New street
St Neots
Cambridgeshire PE19 1AJ**

**Registered Charity number 1084452
Company Limited by guarantee 3949645**



COMPLAINTS POLICY AND PROCEDURE

1. Introduction

- 1.1 This procedure is principally concerned with complaints made against Hunts Mind staff, trustees or volunteers. It will not be used for complaints by service users against other service users.

2. Principles

- 2.1 The opportunity to make a complaint or grievance is an essential right for all those who use the services provided by Hunts Mind. Complaints can be a valuable way of evaluating and improving our services and of ensuring they are responsive to the needs and preferences of service users.
- 2.2 Hunts Mind's complaints procedure is intended to be speedy, effective and easily understandable. To ensure fairness, any investigation required will be carried out by someone who was not involved in anyway with the incident relating to the complaint.
- 2.3 Hunts Mind recognises that when making a complaint it can be difficult and stressful, therefore appropriate assistance will be given to the complainant. At any stage, a complainant may seek the help of an independent advocate and Hunts Mind will provide this information upon request.
- 2.4 A complaint can also be stressful for a person against whom a complaint is made, and that person may also need assistance and support. Any member of staff or volunteer against whom a complaint is made, will be given the fullest opportunity to answer any criticisms.
- 2.5 Every effort will be made to try and resolve any problem as soon as possible with the person concerned. If it is necessary to take the matter further, it will be done in line with the procedure described below.
- 2.6 Some complaints have or may have financial or legal consequences for Hunts Mind. In such cases its insurers require Hunts Mind to cease direct contact with the complainant. It may then be necessary in the interests of the complainant to refer them to another agency. **See Appendix 1 : Procedure for handing complaints which may have financial or legal consequences for Mind.**
- 2.7 Hunts Mind will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of Hunts Mind's Confidentiality Policy. In some cases 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.

- 2.8 The outcome of all complaints and investigations will be reported in confidence to the Executive Board and in writing to the complainant. A report on complaints will also be made available to funders of Hunts Mind's services as part of the evaluation of these services.
- 2.9 Hunts Mind will make efforts to ensure that every user of its services is aware that this procedure exists. Copies of this policy and procedure will be available on request at all Hunts Mind's projects/services. A leaflet explaining briefly about this policy and procedure, entitled "Did we get it right for you" is also available.

3. Procedure

3.1 Stage 1 : Informal

This stage involves an informal discussion with the person involved to try and resolve the problem. The project/department/line manager may be asked to help resolve the matter informally. Staff should:

- 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 sort it out. Make sure that you let your line manager know what you have done and that the matter has been dealt with informally. Please retain any documentary evidence.
- If the matter cannot be easily and quickly resolved, it should be dealt with as a formal complaint. The complainant should be given a copy of this Policy and Procedure together with an explanation as to how it operates.
- Ask the person to put the complaint in writing and if necessary refer the person to any relevant advocacy services.
- If you receive a formal written complaint, ensure that this is passed directly to the Chief Executive.

The informal stage can be used to resolve most problems with the following exceptions, which need to be formally investigated at Stage 2 of the procedure. These include:

- The abuse of a child or vulnerable adult.
- A health and safety hazard.
- Something which is, or may be a criminal offence.
- Something which, if upheld, would result in disciplinary action against a member of staff.

If the complainant is not satisfied with the response they have received at Stage 1, or the nature of the complaint requires formal investigation, the complainant should use Stage 2 of this procedure.

3.2 Stage 2 : Formally registering a complaint

To make a formal complaint, the complainant should outline the details and send it to the Chief Executive, Hunts Mind, The Limes, 24 New Street, St Neots, Cambridgeshire, PE19 1AJ, marked private and confidential.

If the complaint is about the Chief Executive, then send it to the Chair of Hunts Mind's Executive Committee at the address outlined above, again marked private and confidential.

Details of complaints can be submitted by letter, fax, email or audio tape.

The communication should include:

- The complainant's full name, address and contact number.
- The service they have or are receiving from Hunts Mind.
- The dates and details of the complaint.
- The reasons they have not been satisfied with resolving the complaint at the informal stage.
- Details of any support they may need in processing their complaint, eg translation services or signing.

The complaint will be acknowledged within 7 working days from the date it is received and will contain the following information:

- Name, address and telephone number of the person who will be investigating the complaint.
- The date the investigation will start.
- What support the complainant will receive during the process of the complaint in making information accessible, eg a translation service.

The complainant will receive a full written response to the complaint within 21 working days from the start of the investigation from the person appointed to investigate the complaint. The response will include the following information:

- Details of the investigation.
- A decision about whether the complaint was upheld or not.
- The reason for the decision.
- The redress, if appropriate, which will be offered to the complainant, eg an apology, additional help or directing to other sources of advice or support.
- Any other action that may be taken in light of the complaint.

If it is not possible to provide a full answer to the complaint within 21 working days, the complainant will be sent a letter outlining reasons why and given a date by which a full answer is expected.

If the complainant is unhappy with the results of the findings and/or decision, they can then ask for the complaint to be referred to the 3rd Stage – Appeal.

3.3 Stage 3 : The Appeal

To appeal against a decision, the complainant should put in writing the reasons for their dissatisfaction within 7 working days of receiving the Stage 2 decision. The letter should be addressed to the Chair of Hunts Mind at the address outlined above. Again this must be marked private and confidential. This will be acknowledged within 7 working days of receipt and will outline the next stage of the process.

An Appeals Panel, normally the members, including a trustee, will be convened to consider the appeal. The trustee will be responsible for ensuring that the panel is appropriately representative. Panel membership will be restricted to people who have had no previous involvement in the complaint.

Members of the Appeals Panel will:

- Consider whether there are sufficient grounds for an appeal.
- Read through the necessary papers.
- Speak to relevant individuals involved with the complaint.
- Make a final decision.

The Chair of the Appeals Panel will write to the complainant within 28 working days of receiving the appeal request to confirm:

- Whether or not the procedure has been followed properly and fairly.
- The reason for the decision.
- The redress, if appropriate, which will be offered to the complainant, eg, an apology, additional help or directing to other sources of advice or support.
- Any action that might be taken in light of the complaint.

3.4 Stage 4 : Independent Adjudication

If the complainant remains dissatisfied after following stages 1 to 3 they have the right to go to an independent external adjudicator within 28 working days of receiving the decision of the Appeals Panel. Hunts Mind will appoint an arbiter from an appropriate external body. Efforts will be made to appoint someone acceptable to both sides where no identifiable professional body exists. If the complaint is concerning a counsellor and they are a member or associate of the British Association of Psychotherapy and Counselling then the matter would be referred to them. **The adjudicator's decision will be final.**

Signed by Chair: Sharon Cox



Ratified: July 2011

Date for review: July 2013 or as Legislation dictates



COMPLAINTS POLICY AND PROCEDURE

PROCEDURE FOR HANDLING COMPLAINTS WHICH MAY HAVE FINANCIAL OR LEGAL CONSEQUENCES FOR MIND Guidelines for Staff

1. Hunts Mind has been advised by its insurers that where a complaint appears likely to result in litigation or a financial claim against the organisation, direct contact with the complainant must cease and all negotiations will be conducted by the insurers.
2. As a guide, the following fictitious complaints are of a type which may have financial or legal consequence for Mind:
 - A service user complains that they have suffered food poisoning as a result of consuming food being provided by Hunts Mind.
 - A service user complains they were injured by falling on stairs due to a loose carpet.
 - A service user complains that they have lost benefits due to advice given by a worker.

The following types of complaint are unlikely to have legal or financial consequences for Hunts Mind:

- A service user complains of rudeness on the part of a member of staff.
 - A counselling client complains of being too long on the waiting list.
 - A service user complains that they have been excluded from receiving a service because of the rules in force.
3. Once it has been established that financial or legal consequences are likely the Chief Executive must be informed. Hunts Mind's insurers must be informed by telephone and then in writing, by the Chief Executive. The complainant should be informed in writing that the complaints procedure is suspended and that any future correspondence will be conducted through Hunts Mind's insurers.
 4. In the case of where a complainants position may deteriorate if no action is taken, the complainant must be referred immediately to another agency.
 5. A full written report of the circumstances of the complaint must be prepared and sent to the insurers, usually by the Chief Executive.