

## PROCEDURE FOR DEALING WITH COMPLAINTS RELATING TO SERVICES PROVIDED BY THE ASSOCIATION

### A INTRODUCTION

This procedure is principally concerned with complaints made against Swindon Mind staff, trustees or volunteers. Disputes between service users will generally be covered by one or more of the policies in place for individual Swindon Mind projects. However, there will be occasions when it will be appropriate to use this procedure to provide a framework for an investigation of a dispute or machinery for an appeal.

### B PRINCIPLES

1. The opportunity to make a complaint or grievance is an essential right for all those who use the services provided by Swindon 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 users.
2. Swindon 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 directly involved with the incident relating to the complaint.
3. Swindon Mind recognises that making a complaint can be difficult and stressful for the person making the complaint. Appropriate assistance will be offered to the complainant. At any stage a complainant may seek the help of an independent advocate and Mind will provide information on this on request.
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.
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.
6. Some complaints have or may have financial or legal consequences for Swindon Mind. In such cases its insurers require 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 both for assistance with the complaint and to ensure that their service needs are met. [See Appendix I: **Procedure for handling complaints which may have financial or legal consequences for Mind.**]
7. Mind will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of Mind'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.

8. The outcome of all complaints and investigations will be reported in confidence to the Management Committee and in writing to the complainant. A report on Complaints will also be made available to funders of Mind services as part of the evaluation of these services.
9. This Procedure should be read in conjunction with Swindon Mind's Confidentiality Policy and Harassment Policy, and with the complaints procedures for the particular project concerned in the complaint.
10. Swindon Mind will make efforts to ensure that every user of its services is aware that this procedure exists. The procedure is described below. Copies of this policy and procedure will be available on request at all Mind projects.

## **C**     **PROCEDURE**

1.     **1<sup>st</sup> Stage:** informal discussion with the person concerned. The CEO may be asked to help to resolve the complaint informally.

2.     **2<sup>nd</sup> Stage:** a formal complaint in writing should be sent as follows:

- Complaint against a member of staff or volunteer: to the CEO
- Complaint against the CEO: to the Chair
- Complaint against a trustee: to the Chair
- Complaint against the Chair: to the CEO, for the attention of the trustees

The person who receives the complaint will carry out an investigation, 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.

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 3<sup>rd</sup> Stage. The request should be made in writing to the Chair of Swindon Mind address available on request.

3.     **3<sup>rd</sup> Stage:** On receiving the complaint the Chair 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 Chair will set up a panel to consider the complaint.

The panel will generally consist of three people, one of whom will be the Chair, and two appropriately qualified other members of the committee or staff. The panel will aim to meet within 28 days, although this may take longer in complicated cases.

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.

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.

REVIEW DATE \_\_\_\_\_

RATIFIED BY \_\_\_\_\_

SIGNED \_\_\_\_\_

## **APPENDIX I:**

### **PROCEDURE FOR HANDLING COMPLAINTS WHICH MAY HAVE FINANCIAL OR LEGAL CONSEQUENCES FOR MIND:**

#### **Guidelines for Staff**

1. Mind has been advised by its insurers that where a complaint appears likely to result in litigation or a financial claim against Mind, 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 the type which may have financial or legal consequences for Mind:
  - i) A client complains he has lost entitlement to benefit through wrong advice from the Swindon Mind Advocacy Service.
  - ii) A Mind member claims that she has been hurt by a splinter in a piece of furniture.
  - iii) An Oak Lodge guest complains that he has suffered food poisoning as a result of food past its 'sell-by' date.

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

- i) A user complains of rudeness on the part of a member of staff.
- ii) A counselling client complains of being too long on the waiting list.
- iii) A user complains that they have been excluded from receiving a service because of the rules in force.

If in doubt consult the CEO.

3. Once it is established that financial or legal consequences are likely the Chair and CEO must be informed. Mind's insurers must be informed by telephone and then in writing, usually by the CEO. The complainant should be informed in writing that the complaints procedure is suspended and that any future correspondence will be conducted through Mind's insurers.
4. In the case of Welfare Benefits clients or other clients where a complainant's 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 CEO.