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## Complaints Policy

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

#### **A INTRODUCTION**

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

#### **B PRINCIPLES**

1. The opportunity to make a complaint or grievance is an essential right for all those who use the services provided by Richmond 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. Richmond 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 any way with the incident relating to the complaint.
3. Richmond Mind recognises that making a complaint can be difficult and stressful for the person making the complaint. Appropriate assistance will be given 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.



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6. Some complaints have of may have financial or legal consequences for Richmond 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. **See Appendix 1: 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. 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.
8. The outcome of all complaints and investigations will be reported in confidence to the Management Board 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. Richmond Mind will made 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 Mind projects.

**C. PROCEDURE**

**1. 1<sup>st</sup> Stage:**

Informal discussion with the person concerned. The project Manager may be asked to help to resolve the complaint informally. If the complaint is not resolved the second stage of the process should commence.

**2. 2<sup>nd</sup> Stage:**

A formal complaint in writing should be sent as follows:

- a) Complaint against a member of staff or volunteer: to the Project Manager;
- b) Complaint against the Project Manager: the Director;
- c) Complaint against the Director: to the Chair of the Board;
- d) Complaint against a Trustee: to the Chair of the Board;



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- e) Complaint against the Chair: to the Director for the attention of the Trustees, see section 5.

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 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 Mind in Richmond at The Social Centre, Richmond Healthcare Hamlet, Kew Foot Road, Richmond, TW9 2TE.

**3. 3<sup>rd</sup> Stage:**

On receiving the complaint the Chair will decide whether the complaint should proceed to this level. If s/he deems that it should, the Chair will set up a panel to consider the complaint. The panel will generally consist of three people. These will usually all be trustees, but the Chairman may replace one or more of the Trustees with people independent of Mind in Richmond, if appropriate (for example, if the complaint is against a Trustee). 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 three days.

**4. 4<sup>th</sup> Stage:**

If the complainant remains dissatisfied after the 3<sup>rd</sup> Stage they have the right to go to an independent external adjudicator. Efforts will be made to appoint someone acceptable to both sides; however, it is acknowledged that this may not be possible in all cases. The adjudicator's decision will be final.



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**5. Complaint against the Chair or Board of Directors as a whole:**

Informal resolution of the complaint may be attempted through a meeting between the complainant and the Chair (Stage 1). If this fails stages 2 to 4 of the procedure will not apply. Instead the Chair of another local voluntary organisation or another Mind local association or a person of similar experience, unconnected with Mind, will be asked to investigate the complaint and make recommendations. If the complainant is not satisfied with the decision of the investigator and any action taken as a result of the recommendations made, they should contact National Mind for advice.



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## APPENDIX 1:

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

1. Richmond 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 a type which may have financial or legal consequences for Mind:
  - i) A client complains that he has suffered food poisoning as a result of food past its sell-by date.
  - ii) A shop customer claims that he has been hurt by a splinter in a piece of furniture bought from the shop.
  - iii) A client complains he was injured by falling on stairs due to a loose carpet in one of the centres.
  - iv) A client complains that she has lost benefits due to advice given by a worker.

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.
3. Once it is established that financial or legal consequences are likely the Chair and Director must be informed. Mind's insurers must be informed by telephone and then in writing, usually by the Director. 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 Director.