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## **COMPLAINTS POLICY**

### **1 PURPOSE**

- 1.1 This policy sets out the procedure for dealing with complaints relating to services provided by Richmond Borough Mind (RB Mind).

### **2 SCOPE**

- 2.1 This policy outlines how we will handle complaints made against RB Mind staff, trustees or volunteers. This includes complaints about malpractice which may include issues relating to unlawful conduct, financial malpractice and potential risks.
- 2.2 If a complaint regarding a ~~whistle blowing~~whistle blowing issue is raised by an employee, the Whistleblowing Policy should be used.
- 2.3 If a complaint is raised by an employee relating to their employment, the Grievance Policy should be used.
- 2.4 If a complaint is raised by a service user against another service user, the Managing Challenging Behaviour Policy should be used.

### **3 PRINCIPLES**

- 3.1 The opportunity to make a complaint or grievance is an essential right for all those who use the services provided by RB 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.
- 3.2 On occasion, individuals may express dissatisfaction regarding our services, employees, volunteers or members. These expressions will be recorded as complaints when an individual requests a formal procedure, or where it is deemed in the best interests of the Charity to report the concerns formally.
- 3.3 RB Mind will take all complaints received by the organisation seriously, and will respond accordingly. The complaints procedure is intended to be speedy, effective and easily understandable.
- 3.4 RB Mind recognises that making a complaint can be difficult and stressful for the complainant. Appropriate assistance will be given to the individual. At any stage, a complainant may seek the additional support of an independent advocate, which RB Mind can provide information on.

- 3.5 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.
- 3.6 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.
- 3.7 RB Mind will make efforts to ensure that every user of its services is aware that this procedure exists. Copies of this policy will be available on request at all RB Mind projects.
- 3.8 RB Mind will investigate complaints made anonymously. The complaint will be reviewed and a response and any action taken will be recorded on Views.
- 3.9 Some complaints may have financial or legal consequences for RB Mind; for example food poisoning as a result of food past its sell by date, physical injuries due to building maintenance, or a client losing benefits due to advice given by a worker. It is crucial that such cases are reported by the CEO to our insurer as soon as is practically possible, as any delay may prejudice their position and potentially impact on their ability to defend it, if applicable. It is important that any action required to prevent further damage is also taken.

## **4 COMPLAINTS PROCESS**

### **4.1 Informal Resolution**

- 4.2 If an individual wishes to make a complaint, their first step should be to contact a member of staff in that service. Any member of staff can discuss the details of the complaint with the complainant. It may be that the matter can be settled satisfactorily in the course of this conversation. Staff need to respond quickly and effectively to these complaints. These complaints may require an explanation or apology, but will not require direct management action.
- 4.3 All complaints MUST be recorded on Views, even if they are resolved at the informal stage. Service Leads and above must review these issues regularly, to ensure that any recurring themes are highlighted and taken action on.
- 4.4 If, after this, complainants feel that their concerns have not been satisfied, the option will be to ask for the issue to be dealt with more formally. These concerns will be noted and will proceed onto formal resolution to be investigated.

### **4.5 Formal Resolution**

- 4.6 RB Mind has a positive and open approach to receiving complaints. Consequently we will accept complaints in any format, i.e. by letter, email, or verbally. RB Mind have a complaints form available on request (see Appendix 1). If a complaint is received verbally, the member of staff receiving this must make a written record of the complaint and read this back to the complainant to check for accuracy.
- 4.7 RB Mind provides a 3 stage review process for complainants. It is expected that new complaints will start at Stage 1, and progress through the stages dependent on if the individual is happy that their complaint has been resolved at this stage. For more serious complaints, it may be considered more suitable for the complaint to be reviewed at the

first instance at Stage 2, for example complaints involving allegations of misconduct, safeguarding or criminal issues.

#### 4.8 Investigating Officer

4.9 The Investigating Officer's role is to clarify the issues raised by the complaint, and investigate these all thoroughly. An investigation may involve meeting with other service users, members of staff, or external organisations, when appropriate, and seeking information to explore the issues raised. The complainant should be offered a face to face meeting with the Investigating Officer, to ensure that their view is heard during the process. This may be suitable during the investigation stage, and/or following the completion of the investigation. Any such person may be accompanied to the meeting by a friend or supporter, or by an independent advocate.

4.10 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. This is highlighted throughout the stages.

4.11 Complainants are to be kept informed about the progress of their complaint either in writing or verbally. If the time target at any stage of the process cannot be met, the complainant must be informed and given an indication of how long it will take to respond.

#### 4.12 Stage 1

4.13 A formal complaint must be acknowledged within 5 working days. The complainant will be informed who the Investigating Officer is for their complaint at this point.

4.14 In the first instance, the complaint should be investigated by an appropriate member of staff, depending on the complaint issue, for example:

Complaint subject matter:	Investigating Officer:
Member of staff/volunteer Quality of service/service practice/accessibility Venue/accommodation	Service Lead
Service Lead Contractual compliance Health & Safety Data Protection	Operations Manager/Service Development Manager
Operations staff Gross Negligence Organisational concerns	CEO
CEO or Trustee	Chair of the Board
Chair	CEO for attention of Trustees

4.15 The Investigating Officer will try to resolve the complaint, and respond in writing, within 3 weeks, to the complainant and the relevant members of staff. The complaint response should include details of who to contact if they wish to appeal against the response, and how to do this.

#### 4.16 Stage 2

4.17 If the complainant is unhappy with the complaint resolution at Stage 1, they can then ask for the complaint to be referred to Stage 2. The Investigating Officer for Stage 2 will be the Chief Executive Officer. If the CEO has already investigated the complaint at Stage 1, the complaint will be investigated by the Chair.

- 4.18 The Investigating Officer will need to review the original grounds for the complaint and explore with the complainant why they were not happy with the response. Any evidence collected at Stage 1 will need to be reviewed, alongside the initial complaint response and any actions suggested as a result. Ensuring that procedure has been followed, should form part of the complaint response at this stage. The Investigating Officer will try to resolve the complaint, and respond in writing, within 2 weeks, to the complainant and the relevant members of staff. The complaint response should include details of what is required to progress their complaint to Stage 3, and how to do this.
- 4.19 At Stage 2 the Investigating Officer may need to review if an individual has made repeated complaints regarding the same issue. Previous complaints will need to be reviewed at this point to ensure that these have been handled correctly and that reasonable efforts have been made to resolve any issues. The Investigating Officer will also need to consider the impact that persistent complaints can have on the distress of individual members of staff, if they are the subject of these complaints.
- 4.20 Stage 3:**
- 4.21 If the complainant is unhappy with the complaint resolution at Stage 2, they can then ask for the complaint to be referred to Stage 3. Complaints will only be heard at Stage 3 if fresh information has arisen regarding the complaint, or the complainant has concern that the complaints process has not been followed efficiently.
- 4.22 At this stage the Chair will arrange for a panel of trustees to form the Investigating Officer role. The panel will generally consist of the Chair and at least one other trustee. The Chair may replace one or more of the Trustees with people independent of RB Mind, if appropriate (for example, if the complaint is against a Trustee).
- 4.23 The panel will invite the complainant and the person, or persons, against whom the complaint has been made. The panel will aim to meet within 28 days, although this may take longer in complicated cases.
- 4.24 The panel will need to review the complaint to ensure that this policy has been followed effectively at each stage. If they are satisfied that the policy has been followed, then the complaint will be upheld. If they feel that policy has not been followed, they will need to reopen the complaint and reinvestigate. Any instances where new information is brought forwards at this point, the panel will need to decide if this is sufficient to reopen the complaint and reinvestigate in full, or to review the new evidence in line with previous responses and respond accordingly.
- 4.25 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 5 days. The panel's response will be final. This is the final stage in the Charity's complaints process. If the complainant is still not satisfied, then they will be provided with details for external regulatory or funding bodies that may be able to support them in the future (including National Mind).

## **5 COMPLAINT AGAINST THE CHAIR OR BOARD OF DIRECTORS AS A WHOLE**

- 5.1 Informal resolution of the complaint may be attempted through a meeting between the complainant and the Chair. If this fails, the formal resolution stages of the procedure will not apply. Instead the Chair of another local voluntary organisation, another local Mind association, or a person of similar experience unconnected with RB 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.

## **6 CONFIDENTIALITY**

- 6.1 RB Mind will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of RB Mind's Confidentiality Policy.
- 6.2 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.
- 6.3 All correspondence relating to a complaint must be uploaded to the appropriate service strand on Views. Complaints **MUST NOT** be linked with an individual service user, to ensure a degree of anonymity for their continued access to the service. The level of access allowed to view the complaint must also be considered, to ensure that staff anonymity is also upheld.
- 6.4 Some complaints may highlight serious matters where we may need to consider recourse to disciplinary, safeguarding or criminal justice proceedings. In these cases information gathered during the complaint resolution may be used in a subsequent investigation.
- 6.5 The outcome of all complaints and investigations will be reported in confidence to the Senior Management Team and in writing to the complainant. Complaints are discussed regularly with our Governance & Quality Committee. A report on complaints will also be made available to funders of RB Mind services as part of the evaluation of these services.
- 6.6 Any complaints that are reported to Safeguarding, the Police, Care Quality Commission, any other regulatory bodies, or those that appear likely to result in litigation or a financial claim against RB Mind, will be communicated as a matter of urgency to the Chair.

## **7 EQUALITY AND DIVERSITY**

- 7.1 This policy must be applied consistently and in line with RB Mind's Equality and Diversity Policy.

## **8 MONITORING AND REVIEW**

- 8.1 RB Mind will monitor the policy to ensure consistency and ensure that it is meeting the needs of complainants.
- 8.2 The CEO will be responsible for producing procedures for monitoring and review.

## **RELEVANT POLICIES**

- Confidentiality Policy
- Data Protection Policy
- Disciplinary Policy
- Equality and Diversity Policy
- Grievance Policy
- Managing Challenging Behaviour Policy

- Whistleblowing Policy

**RELATED DOCUMENTS**

- Local Mind Groups Specialist Insurance Policy

# Complaints Form

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RB Mind takes a positive approach to feedback. We feel that the opportunity to make a complaint is an essential right for all those who use the services provided by RB Mind. Complaints can be a valuable way of evaluating and improving our services and making sure that they are meeting the needs of our users.

Please provide details of your contact details and concerns below, and our team will be in touch with you shortly:

Name:	
Address:	
Post code:	
Telephone number:	
Email address:	
Date complaint submitted:	
Service complaint relates to (if applicable):	

**DETAILS OF COMPLAINT:** Your description should be as full as possible including any relevant events leading up to this complaint. (Please continue on extra sheets if necessary).



RB Mind takes all complaints received by the organisation seriously, and will respond accordingly. Our Complaints Policy is available to all, and is intended to be speedy, effective and easily understandable.

After a complaint is made, RB Mind will identify an appropriate Investigating Officer, in line with our policy. You will hear from this individual within 5 working days of us receiving your complaint.

**Please forward your complaint to:**

Richmond Borough Mind  
32 Hampton Road,  
Twickenham,  
TW2 5QB

Telephone: 020 8948 7652

Email: [info@rbmind.org](mailto:info@rbmind.org)