



Name of policy	<b>COMPLAINTS POLICY AND PROCEDURE</b>
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To be read by	All staff, volunteers, paid contractors and trustees
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**APPENDIX 1: GUIDELINES FOR STAFF CONCERNING COMPLAINTS WHICH MAY HAVE FINANCIAL OR LEGAL CONSEQUENCES FOR BRISTOL MIND**

## **1. INTRODUCTION**

1.1. Bristol Mind strives to offer high quality services to all individuals and groups who make use of its services. We also aim to constantly improve services provided and for this reason complaints and compliments are valued equally.

1.2. This policy outlines Bristol Mind's principles and procedures applied when someone who uses or has contact with Bristol Mind's services makes a complaint.

1.3. A complaint is an expression of dissatisfaction about the standard of service, actions or lack of action, by the organisation or staff, affecting an individual client or group of clients.

1.4. A request for action or enquiry is not classified as a complaint and will be perceived as a request for us to undertake or provide a service. However if we do not respond to this request it will fall under this Policy.

## **2. WHAT THIS POLICY DOES NOT COVER**

2.1. It does not cover complaints made about an organisation or individual hiring Bristol Mind's premises to provide a service that has not been commissioned by Bristol Mind e.g. training being delivered by another agency not on Bristol Mind's behalf.

2.2. This policy also does not address complaints made by:  
staff about the organisation or about other staff or volunteers, these complaints are covered by Bristol Mind's Grievance Procedure

Or Volunteers whose complaints are covered by Bristol Minds Volunteer Problem Solving Procedure

Or job applicants, these complaints are covered by Bristol Mind's Recruitment Policy

## **3. PRINCIPLES**

3.1. The opportunity to make a complaint is an essential right for all those who use the services provided by Bristol Mind or act as volunteers for the organisation. 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. Individuals that wish to make a complaint should be encouraged and given a copy of the complaints procedure.

3.2. Bristol 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.

3.3. Bristol Mind recognises that making a complaint can be difficult and stressful for the person making the complaint. Appropriate assistance will be offered to empower them to make the complaint. At any stage a complainant may seek the help of an independent advocate and Bristol Mind will provide information on this on request. The Bristol Mind

advocacy service will not however be available to support complainant making complaints against the organisation.

3.4. 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.

3.5. 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.

3.6. Bristol Mind aims to learn from complaints and expects that supervision meetings, team meetings and regular reviews of our services, will be forums to identify learning and agree ways to put learning into practice.

3.7. Some complaints have or may have financial or legal consequences for Bristol Mind. In such cases its insurers require Bristol 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 Bristol Mind]

3.8. We will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of Bristol 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.

3.9. You may remain anonymous if you prefer, but we strongly suggest that you do give us your name so that we can fully investigate the complaint and send you a written response.

3.10. The outcome of all complaints and investigations will be reported in confidence to the Trustees of the organisation and in writing to the complainant. A report on Complaints will also be made available to funders of Bristol Mind services as part of the evaluation of these services.

3.11. This Procedure should be read in conjunction with Bristol Mind's Confidentiality Policy, and where relevant with the complaints procedures for the particular project.

3.12. Bristol 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 Bristol Mind projects.

#### **4. PROCEDURE**

4.1. 1st Stage: informal discussion with the person concerned. The manager of the service may be asked to help to resolve the complaint informally.

4.2. 2nd Stage: a formal complaint in writing should be sent as follows:

- Complaint against a member of staff or volunteer: to the Director.
- Complaint against the Director: to the Chair of Trustees.
- Complaint against a Trustee: to the Chair.
- Complaint against the Chair: to the Director, 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 3rd Stage.

The request should be made in writing to the Chair of Trustees of Bristol Mind at 35 Old Market Street, Bristol BS2 0EZ.

4.3. 3rd 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 a service user. These will usually all be Trustees, but the Chair may replace one or more of the Trustees with people independent of Bristol Mind if appropriate. 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.

4.4 If a person is still unsatisfied with the response Bristol Mind offers, they should be advised to may contact the Charity Commission, our regulatory body, for further advice ([www.charity-commission.gov.uk](http://www.charity-commission.gov.uk) or telephone the enquiries line on 0870 333 0123), or to contact national Mind.

#### **5. GROSS MISCONDUCT**

5.1. Gross misconduct refers to serious actions by a member of staff or a volunteer or a contracted worker e.g. violence or threats of violence, abuse or theft. These complaints will

always be investigated vigorously and quickly. In the case of a member of staff or volunteer they will be subject to the Disciplinary Policy's guidance on investigation.

5.2. Such serious complaints will always be investigated and responded to by the Director/ Chair unless they are implied in the complaint in which case the complaint will be dealt with by nominated Trustees and/or an independent agency such as Bristol Social Services. The complaint will be referred to regulatory bodies such as the Charity Commission if the complaint concerns the actions or inactions of the committee.

## **6. REGULATION AND CRIMINAL ACTIONS**

6.1. Complainants will be given full details of the Charity Commission and/ or national Mind so that they can pursue their complaint through that route if they do not receive satisfaction through our Policy and Procedure.

6.2. Complaints reporting alleged criminal behaviour will be reported to the Police unless there are strong grounds for believing that the complaint is malicious, vexatious, or has no grounding in reality. Bristol Mind will co-operate fully with all related external investigations.

## **7. REPORTING**

7.1. Line managers and coordinators will inform Trustees of any formal complaint at the time it is received and keep them up dated on resolution.

7.2. Each Project or Service will report to Trustees quarterly on all complaints received and resolved including those that are dealt with at the informal stage.

7.3. Complaints received directly by a Trustee will be shared with the Trustee group and agreement on response made collectively.

7.4. The Trustees will annually assess the nature and extent of complaints made in the previous twelve months, how they were resolved, and to act accordingly to help prevent incidents recurring in the future.

7.5. Key Performance Information relating to complaints management will be included on the website.

## **8. MALICIOUS, VEXATIOUS OR DISCRIMINATORY COMPLAINTS**

Whilst Bristol Mind endeavours to accept all complaints in good faith, it takes malicious or vexatious complaints, or those made on the basis of discrimination, very seriously. Unfortunately, it is evident that on rare occasions individuals inappropriately utilise fair procedures for dishonest motives. In order to protect its staff and volunteers Bristol Mind will investigate all complaints in such a way as to expose such malicious incidents and will report to the Police if any suspicion of criminal behaviour. This is without prejudice to genuine complainants.

## **9. COMPLAINTS WITH NO GROUNDING IN REALITY**

Due to the nature of our work and of the experiences of some of the people who use our services, there will be occasions when users of Bristol Mind services allege that staff have committed criminal acts. Any such allegation should be reported to the Director in the first instance, or Chair of Trustees if the allegation concerns the Director

## **APPENDIX 1**

### **Guidelines for Staff**

1. Bristol Mind has been advised by its insurers that where a complaint appears likely to result in litigation or a financial claim against Bristol Mind, direct contact with the complainant must cease and all negotiations will be conducted by the insurers.

2. As a guide, the following complaints are of the type which may have financial or legal consequences for Mind:

- i) A client complains that she/ he has lost entitlement to benefit through wrong information from the Bristol Mind advocacy services.
- ii) A client complains that she/ he has lost the opportunity to make a claim for compensation against another party due to negligence by the advocacy services.

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 Director.

3. If it is established that financial or legal consequences are likely, the Chair and Director must be informed. Bristol 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 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.