

Formal Complaints Policy

Approver Senior Management Team

Policy Formal Complaints Policy

Appendices Practical Guidance for Handling Verbal Complaints
Concerns and Complaints Investigation Report

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Related Documents Safeguarding Multi Agency Policy, Guidance and
Toolkit (May, 2016)
Autism Hampshire's Safeguarding Policy

Location of Copy SharePoint

Signed:

Debra Harrison-Sales

Chief Executive Officer

Jeremy Webb

Human Resources Lead

Formal Complaints Policy

1 Policy Statement

Autism Hampshire views formal complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or the organisation that has made the complaint.

Autism Hampshire's policy is to;

- Provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- Publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- Make sure everyone at Autism Hampshire knows what to do if when a complaint is received.
- Investigated all complaints fairly and in a timely way.
- Ensure that complaints are, wherever possible, resolved and that relationships are repaired.
- Gather information which helps to improve what we do.

2 Definition of a Complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the services offered or provided by Autism Hampshire

3 Where Complaints Come From

The Chief Executive and Senior managers operate an open-door policy and welcome complaints and suggestions from any person or organisation, including members, donors, and members of the local community. A complaint can be received verbally, by phone, by email or in writing.

This policy does not cover complaints from staff, who should use Autism Hampshire's Grievance policy.

4 Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

5 Duty of Candour

Autism Hampshire will openly and transparently respond to all complaints and concerns. Services that are registered with the Care Quality Commission (CQC) are required to adhere to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20.

6 Safeguarding

Autism Hampshire is committed to ensuring that the right of a person to live a life free from harm and abuse is both recognised and met. Autism Hampshire is committed to ensuring that in the event abuse does take place that it acts swiftly, effectively and in ways that are proportionate to the issues. In addition, Autism Hampshire will ensure that the person at risk remains at the centre of any safeguarding concern, and that they stay in control of decision making as much as possible, ensuring the rights of the individual are heard throughout the process to ensure a continued personalised care and support approach. All staff, whatever the setting, have a key role in preventing harm or abuse occurring and in taking action when concerns arise. Should a complaint be received that is thought to be a safeguarding concern, Autism Hampshire will comply with the Safeguarding Multi Agency Policy, Guidance and Toolkit (May, 2015) and Autism Hampshire's Safeguarding Policy which sets out clearly the response approach for the organisation's management and staff in protecting vulnerable people, and to working in partnership with other agencies for the protection of people at risk.

7 Serious Incidents

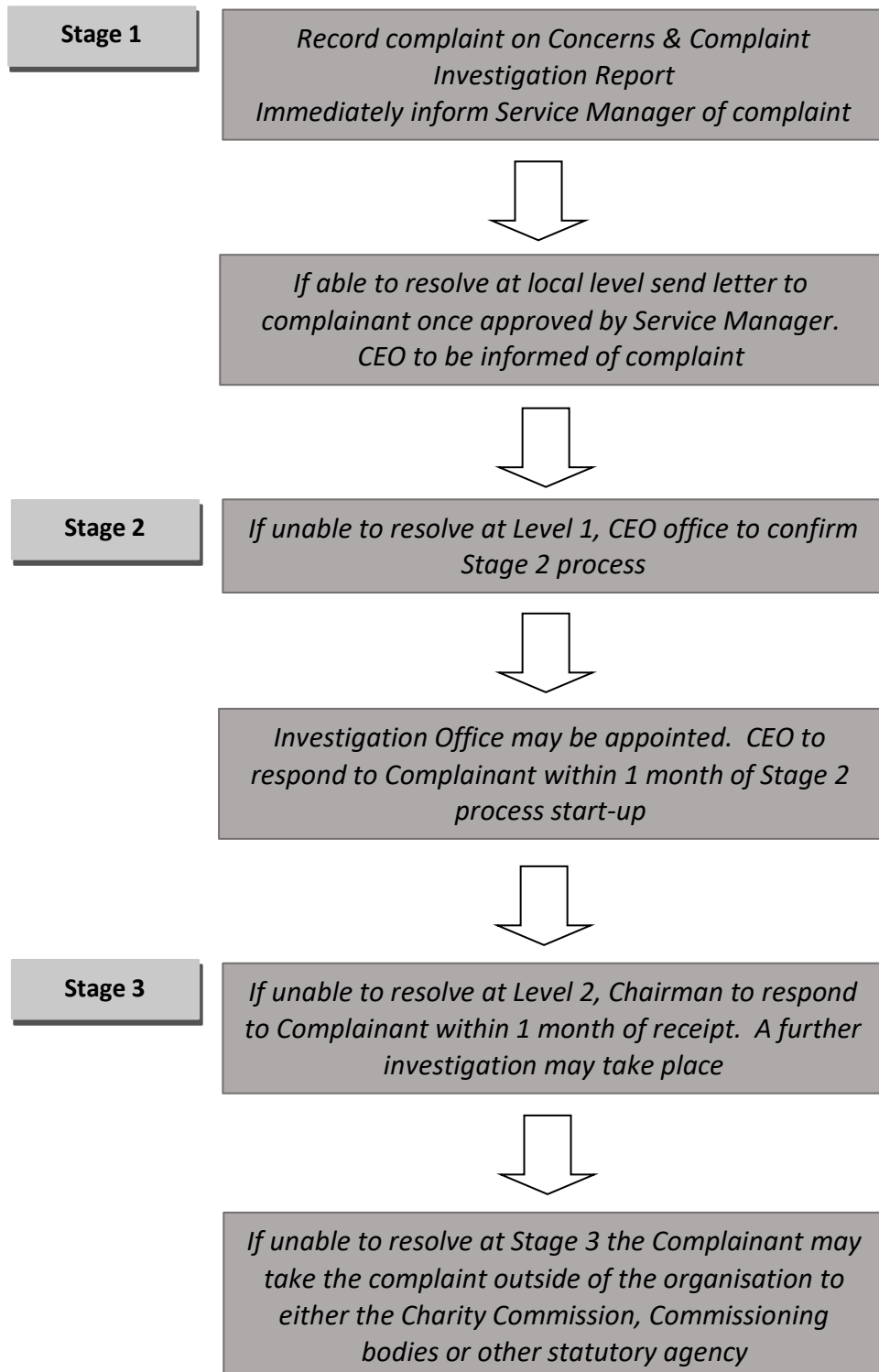
Autism Hampshire defines a serious incident as "an incident that can affect the operation of a service or the Organisation as a whole". Autism Hampshire reports and carries out a review of all incidents and aims to ensure that all serious incidents are managed in a consistent, systematic, robust, comprehensive and timely manner and has a place a policy and procedure to manage any such occurrence.

8 Responsibility

Overall responsibility for this policy and its implementation lies with the Board of Trustees, and the executive management committee.

9 Complaints Process

The flow diagram below summarises the 3 stage complaints process:



All complaints are to be acknowledged within 5 days and responded to within 28 days

Stage 1 – Resolving the complaint at local level

In some cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate. Whether or not the complaint has been resolved, the complaint information should be passed to the Service Manager, within one day, and then onto the CEO office for information.

The person who receives a phone call or in person complaint should:

- Write down the facts of the complaint on the Concerns and Complaints Form (Appendix 2)
- Take the complainant's name, address and telephone number
- Note down the relationship of the complainant to Autism Hampshire (for example: people we support, member)
- Inform the complainant of the complaints procedure and timescales for response

Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.

For further guidelines about handling verbal complaints, see **Appendix 1**.

It must be verified that any person raising a complaint on behalf of People we support/ Student has permission to speak on behalf of the people we support, ensuring that confidentiality is maintained until this has been verified. If in doubt it should be assumed that the people we support's explicit permission is needed prior to discussing the complaint with a third party.

All complaints must be responded to within 28 working days at a local level. The response has to be approved by the Senior Manager of the Service.

Stage 2 – Resolving the complaint at Executive level

If the complaint cannot be resolved at level 1 the CEO will decide the best course of action and may decide to appoint a person to investigate the complaint. The CEO, will acknowledge the complaint within 5 working days of the complainant stating that they are dis-satisfied with the response at level 1, stating the next steps and that they will hear again from the CEO within 28 working days.

The appointed investigation officer person will provide a written report to the CEO with their findings together with any lessons learnt and recommendations within 2 weeks. Thereafter the CEO will write to the complainant within 2 weeks after considering the outcome of the investigation.

If the above timescales are not possible because an investigation has not been fully completed, a progress report will be sent to the complainant with an indication of when a full reply will be given.

Where appropriate the CEO will arrange to meet with the complainant to provide an explanation which describes the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

Stage 3 – Resolving the complaint at Board level

If the complainant feels that the problem has not been satisfactorily resolved at Stage 2, they can request that their complaint is reviewed at Board level. At this stage, the complaint will be passed to the Chair of the Board.

The request for Board level review should be acknowledged within 5 days of receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.

The Chairman may investigate the facts of the case themselves or delegate a suitably senior person to do so. This may involve reviewing the paperwork of the case and speaking with the CEO and/or investigating officer who dealt with the complaint at Stage 2.

A response to the complainant from the Chair should be sent within 4 weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

The decision taken at this stage is final, unless the Board decides it is appropriate to seek external assistance with resolution.

10 The Charity Commission

The complainant can complain to the Charity Commission at any stage. Information about the kind of complaints the Commission can involve itself in can be found on their website <https://www.gov.uk/complain-about-charity>.

11 Variation of the Complaints Procedure

The CEO or Board may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, or duplicate complaints process if the complainant has taken their complaint outside of the organisation prior to the CEO or Board having time to respond at Level 2 or Level 3 of this process.

12 Monitoring and Learning from Complaints

The Chief Executive is responsible for ensuring that all complaints are reviewed and evaluated to identify any trends which may indicate a need to take further action and ensure that lessons are learnt where necessary across the Organisation. All complaints at Level 2/3 are reported to the AH Governance Committee or thereafter at Board meetings as appropriate.

Appendix 1

Stage 1: Practical Guidance for Handling Verbal Complaints at a local level

- Remain calm and respectful throughout the conversation
- Listen - allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam"
- Don't debate the facts in the first instance, especially if the person is angry
- Show an interest in what is being said
- Obtain details about the complaint before any personal details
- Ask for clarification wherever necessary
- Show that you have understood the complaint by reflecting back what you have noted down
- Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation e.g. "I understand that this situation is frustrating for you"
- If you feel that an apology is deserved for something that was the responsibility of the organisation, then apologise
- Ask the person what they would like done to resolve the issue
- Be clear about what you can do, how long it will take and what it will involve. Don't promise things you cannot deliver
- Give clear and valid reasons why requests cannot be met
- Make sure that the person understands what they have been told
- Wherever appropriate, inform the person about the available avenues of review or appeal

Appendix 2

Concerns and Complaints Investigation Report Stage 1: Resolving the complaint at local level

Complaint regarding	
Name	
Address	
Telephone number	
Date of Complaint / concern	
Date response required by	
Name and position of appointed person dealing with the complaint	
Initial method in which a complaint was raised	
Overview of concern / complaint (append complaint letter or notes of verbal complaint to this form)	

Investigation plan (outline the planned activities to investigate the complaint)	
Date that initial response was sent and name of person who sent the response	
Findings of investigation	

Proposed response	
Approved by Senior Manager	
Response provided by	
Method (append any written communications to this form)	
Date	