

## **COMPLAINTS POLICY AND PROCEDURE**

### **Introduction**

Every person using one of St Michael's services, and every person with a clear interest in the child or vulnerable adult's welfare, has the right to discuss with the people providing the service, any complaints, compliments or suggestions about the way in which it is provided.

It is our responsibility to help families feel confident to tell us about any concerns they may have, and confident that their concerns will be dealt with fairly, without worrying about what will happen next. It is also our responsibility to publicise our complaints procedure and make it available and as accessible as possible for those using our services. The aim of this policy is to find ways for St Michael's and the children and adults who use its services to solve problems together, not to work against each other.

### **Who is who?**

These are the people who may be involved when a complaint is made:

**Complainant** – a person making a complaint

**Person with a valid interest** – (under the Children Act) someone with a clear enough interest in the child's welfare or adult's at risk welfare for their views to be taken into account

**Deputy Manager/Manager** – the management team of the service used by the complainant

**Deputy Director/Director** – the directors of St Michael's, who have overall responsibility for the services provided

**Investigating Officer** – a Manager from a separate St Michael's service, not from the service used by the complainant

**Independent Person** - someone who does not have connections with St Michael's or the complainant; if this proves to be necessary we will endeavour to find an appropriate person.

### **What is a Complaint?**

A complaint is a written or spoken concern about a problem that has not been solved. The complaint may be about St Michael's as an organisation, about how decisions are followed, about the quality of services and whether they meet people's needs, about the behaviour or actions of a person employed by St Michael's or about whether services are being provided or not.

Some complaints may not be covered by the above, and are treated either under other St Michael's procedures, for example: grievance procedure (staff); disciplinary procedure (staff); child protection and safeguarding procedures; or through outside procedures such as criminal proceedings. For residents of St Michael's residential centres, complaints about the maintenance of the property can be made to the Housing Association or the Housing Ombudsman Service (contact details are provided in the Residents handbook of each centre).

## **The Procedure**

### **Making Service Users aware of how to make complaints**

People should know about their right to complain, that the organisation is receptive to complaints, and how their complaint will be dealt with.

Information regarding the complaints' procedure should be made available:

- On St Michael's website
- In the family's welcome pack/ hand book
- Displayed on notice boards in public, communal and reception areas of Head Office and the Residential Centres

### **Informal Complaints**

An informal complaint can be received by any member of staff in the service and does not need to be written down by the complainant. If the staff member is unable to solve the problem, s/he should suggest that the person speaks to the Manager or Deputy Manager.

The staff member must make a record of the informal complaint, recording: the date of the complaint, the name of the complainant, what the complaint is, any action taken, and the date when the complaint was resolved.

Each service should have a designated complaints' log where the above information is recorded. The Manager must check this information regularly and make sure that all informal complaints are dealt with and that the complainant is told of any further action taken.

If the complaint is about a Manager, Director or Trustee, the complaint should be recorded as above, and passed to the Deputy Director or Director.

### **Formal Complaints**

A complainant may not be satisfied with how their complaint has been dealt with, or they may wish to use the formal procedure anyway. They can then make a formal complaint.

A formal complaint must be made in writing; support must be offered to a person who wants to make a formal complaint, for example by the family's keyworker or encouraging them to seek help from an outside professional such as the Child's Social Worker or an Adult Services Social Worker. If the individual feels more comfortable typing than hand writing, they should be supported to access a computer and email their complaint. Alternatively, they can dictate the complaint, a member of staff writes it down and reads it back to them to ensure the details are correct.

A record must be kept of the formal complaint showing: the date of the complaint, the name of the complainant, what the complaint is, any action taken, and the date when the complaint was resolved.

The formal complaint should be given to the Deputy Manager or Manager, who will look into the complaint. Within 1 working day (weekday) of the complaint being made, s/he will meet with the complainant to look at possible ways of solving the problem, and to agree a plan of how and when the problem will be solved. Where necessary an interpreter should be used for this meeting.

If the complainant is not satisfied with this plan or with how the plan is put into place, the Deputy Manager or Manager will meet again with the person to discuss any possible changes to the plan.

If the formal complaint concerns a Deputy Manager or Manager the complaint should be sent to the Deputy Director or Director who will respond to the complainant as above within 3 working days (weekdays) of receiving the complaint.

## **Serious Complaints**

Some complaints are more serious than others and may need to be dealt with under different procedures. Examples include immediate serious concerns or continuing concerns about: the behaviour of an individual member of staff (where it comes under misconduct in St Michael's Disciplinary Procedures), the behaviour of other families or their visitors, or the overall service being provided.

For these more serious complaints, if the complainant continues to be dissatisfied with the response of the Deputy Manager or Manager, the formal complaint should be sent to the Deputy Director and Director within 3 working days (weekdays) of the original complaint. The Director or Deputy Director will ask a Manager from another St Michael's service (*Investigating Officer*) to investigate the complaint and if necessary an *Independent Person* to observe that this procedure is followed, the process to be established within 10 working days. The complainant should be encouraged to seek an advocate.

The Investigating Officer must make sure that the complainant has a copy of this complaints procedure as well as any other relevant documents, and that they have been encouraged to seek an advocate.

Where the complainant is a person 'with a valid interest', it is the responsibility of the Investigating Officer to make sure that the person does have 'a valid interest'. The Investigating Officer must then decide whether the person on whose behalf the complaint was made agrees with the concerns raised, and whether s/he wishes her/his views to be expressed by the complainant.

## **Malicious Complaints**

During our investigations, we will treat all complaints as genuine and will look into them with a desire to resolve problems between us and the people who use our services. However, some complaints are not true, for example, they are made to create problems for someone else when in fact the other person is not in the wrong. If, following investigation, it is found that a complaint has been made maliciously the complainant should understand that there may be consequences for them, in that they may lose the opportunity to use St Michael's assessment or support services.

## **The Investigation**

In looking into a complaint, the Investigating Officer will identify the key facts and issues, make sure that these procedures are followed and make a decision about whether s/he agrees with the complaint.

If an Independent Person is involved their role will be:

- To observe that the complaints' procedure is followed
- To be present at all meetings and interviews involving the Investigating Officer.
- To write their own report based on all the information they have received and send to the investigating officer
- To be involved in agreeing a response to the complainant.

Information can be gathered from interviews with the complainant (who can decide if they would like an advocate to be present), the family's keyworker and others, from reading the family's daily logs or file or any other documents relating to the family.

Where the person making the complaint is still receiving a service from St Michael's the Investigating Officer will arrange a meeting during the investigation to discuss the complaint, inviting: the complainant, his/her advocate and the Deputy Manager or Manager from the service involved.

After the investigations are complete and within 25 working days (weekdays) of the complaint being received, the Investigating Officer will write a report containing the facts, issues and recommendations. This is to be sent to the Director or Deputy Director of St Michael's. (To whom reports should be sent will be determined at the beginning of this process).

The Deputy Director or Director will meet with the Investigating Officer to agree a response to the complainant.

The Deputy Director or Director will send the response to the complainant and send copies to all relevant people including the Investigating Officer. The Investigating Officer's report will also be sent to the complainant.



The person/people about whom a complaint has/have been made will receive full feedback on the content and result of the investigation.

## **Right of Appeal**

If the complainant is dissatisfied with the decision, within 28 days of receiving the decision, s/he can ask for it to be re-considered (an appeal). S/he must tell the Director and ask for a Review Panel. The Review Panel will include a new Independent Person who will chair the panel, a Trustee and the Director or Senior Manager who has not been involved in the previous investigation.

The person and her/his advocate can attend the Review Panel, which should take place within 28 days of the appeal request.

The Review Panel must write down their recommendations with reasons and send them to the complainant, the Independent Person, the Investigating Officer and the Director within 7 days.

## **Response**

Once s/he has received the recommendations, the Director will make a response. Part of the response may include making changes to St Michael's procedures or taking disciplinary action for example. The Independent Person or Deputy Director should be involved in this decision.

The complainant must be told of any actions taken.

## **Other ways of making a complaint**

If there are a number of minor complaints, and the complainant is not satisfied with St Michael's response, he or she should speak to a professional outside of the organisation, such as the Child's Social Worker or an Adult Services Social Worker.

Anyone not wishing to use St Michael's formal procedure can make their complaint direct to Ofsted:

Telephone **0300 123 1231**

e-mail: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

or in the case of Jigsaw a complaint could be made to which ever body encouraged the initial referral e.g. the child's Social Worker, CAFCASS or parent's solicitor

## **Information sharing**

Where a complaint is made against an individual member of staff neither the Deputy Director nor the Director should discuss the complaint with or offer support to that member of staff before the investigation has been finished. This is because if the complaint is found to be correct, it would be the responsibility of one of the Directors to then use the disciplinary procedure if necessary. Support however should be offered by a senior member of staff who is not involved in the process.

The Investigating Officer must not see any papers relating to disciplinary action that might take place as a result of the complaint.

### **Monitoring**

Information regarding a complaint must be kept separate from the service user's file or the employee's personnel file.

Records of all complaints, both informal and formal, should be kept within the service involved, recording whether the procedure was followed, whether time limits were followed, and the final outcome. The race, culture and gender of the Independent Person (if involved) and of the person making the complaint should be recorded. These records should be checked during Regulation 25 inspections, made available for Ofsted inspections and Social Services contract reviews. In the case of Jigsaw they should be available at re-accreditation inspections conducted by NACCC.

### **Conclusion**

It is understood that solving some complaints could cause difficulties in relationships within a service. Any difficulties need to be addressed within the forums available.

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