

COMPLAINTS POLICY AND PROCEDURE

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PART ONE: COMPLAINTS POLICY

1 Introduction and Definition

Spurgeons strives for high standards in all of our work to help support children, young people and families and welcomes feedback from all those who come into contact with our organisation. The experience of all users, individuals, donors, grant funding bodies, corporates, members of the public and professional bodies is viewed as a positive opportunity to monitor the services we provide and reflect upon how they can be improved.

These views may be expressed as

- Compliments
- Comments
- Complaints

A **compliment** is an expression of satisfaction and may be made about a service received, an individual, a team or a particular piece of work

A **comment** is an idea which is passed on to us – it may be a suggestion for a way in which we can do something better or just an observation from an external point of view. If deemed appropriate, an individual making a comment should be made aware of Spurgeons complaints policy and of their right to make a complaint.

Service users are encouraged to give feedback through posters displayed in each service, by feedback postcards and feedback boxes.

Any verbal or written compliment or comment will be recorded by the member of staff receiving it and passed to the appropriate manager. A member of staff who is identified as being the subject of or contributing to a compliment will be notified directly and feedback on compliments will be shared with employees at appropriate times through the line management structure.

A **complaint** is an expression of dissatisfaction by a user, individual, donor, grant funding body, corporate, member of the public or professional body whether it is justified or not, and can be raised against any aspect of the service we provide to children, young people and their families or as part of Spurgeons wider role in supporting children and their families.

This policy describes how a complaint can be made and is underpinned with guidance and legislation which includes the Children Act 1989 and 2004, Children and Families Act 2014, Working Together 2018, Data Protection Act 2018, the Fundraising Standards Board (FRSB), and UK Code of Broadcast Advertising (BCAP).

For further guidance on these documents or if you feel Spurgeons has not taken a complaint seriously please refer to the most up to date guidance from the Charity Commission see <https://www.gov.uk/complain-about-charity>

Spurgeons will ensure that people's views are taken seriously, listened to and taken account of and the ways of dealing with complaints are straightforward. We undertake to investigate thoroughly and fairly any complaint we receive and will provide:

- clear information about how to make complaints, is available both online (www.spurgeons.org) and in our services and office bases
- a response at the point of contact wherever possible
- the name of the person the complainant is dealing with
- a written response to enquiries within 72 hours of receipt

Who can complain?

- Any person who receives, or has received, a service from Spurgeons (service user)
- Anyone who has a sufficient interest in that person's welfare, acting on their behalf. This includes parents, relatives, friends and professionals
- Any person acting on behalf of an organisation which has provided a service to or received a service from Spurgeons
- Any individual, group or grant funding body who has been approached to support Spurgeons or does support Spurgeons either financially or gift in kind,

What can a complaint be about?

There is no definite list of what can or cannot constitute a complaint. The following are examples only:

- an unresolved problem
- the quality or appropriateness of a service
- the delivery or non-delivery of a service
- practice
- decisions or the implementation of decisions
- policies and/or procedures
- allocation and use of resources
- failure to consider or uphold a service user's rights
- practice or decision which a service user considers to be unfair or to have adversely affected them
- receiving inappropriate/excessive direct mail
- concerns with fundraising materials – either content or imagery
- noncompliance with data protection

If there is an opportunity to manage the situation informally and resolve the issue before it becomes a formal complaint and it is to the satisfaction of the complainant, then this must be a first course of action.

Timescales

There is no time limit within which a complaint can be made.

The complaints procedure operates to the following timescales:

Written acknowledgement : Within 48 hours of receipt unless that time period includes a weekend or bank holiday

Stage One: Resolution within 28 days (wherever possible) of receipt of complaint by the Investigating Officer

Stage Two: Resolution within 28 days (wherever possible) of receipt of appeal by the Appeals Officer

Every complaint must be notified to a member of management within 24 hours and to a Regional Manager/Equivalent Manager or 'Head of' within 24 hours. The complainant must be contacted in writing/ or by email within ? of receipt, acknowledging their complaint and advising them (if possible) of the person who will be investigating and of the timescales.

Contracts and Service Level Agreements

Where a service contract or service level agreement specifies that the complaints procedure of the contractor, local authority or other public body should be used by contracted services, Spurgeons will comply with this requirement. In this case the Children's Services Manager (CSM) / Children's Services Lead (CSL) should agree with the Regional Manager/Equivalent Manager or 'Head of' those requirements of Spurgeons policy and procedure which should be followed in addition to the contractor's policy, including logging on Spurgeons complaints record form and the organisational complaints register.

Where required by service contracts or service level agreements, Spurgeons will inform the contractor, local authority or other public body of the incidence and outcome of complaints in relation to the contracted service.

Safeguarding concerns and complaints

Where a complaint is made about the behaviour or practice of a member of the workforce (either past or present) which has implications for the safety and well being of children and young people, including where an allegation of abuse against a child or young person is made, **the complaint/allegation will be dealt with within Spurgeons Safeguarding Policy and Child Protection Procedures**. As soon as possible after receipt of the information, the staff member should inform their immediate line manager. For Children's Services the Regional Manager/Equivalent Manager will immediately inform the Head of Practice and Head of People. For Central Services, the Head of People will be informed. The Deputy Chief Executive Officer will be informed in all cases by either the Head of People or Head of Practice. Where the Safeguarding Policy and Child Protection Procedure is put into operation, the complaints

procedure will be suspended. The Complaints Record Form will record this decision and will be authorised by the Regional Manager and Head of People

before forwarding to Data, Insight and Evidence team for recording on the organisational complaints register and final sign off by the Head of Practice.

PART TWO: COMPLAINTS PROCEDURE - FOR ALL COMPLAINTS RECIEVED

Stage 1 – Management of all Organisational Complaints

1 Receipt of complaints

1.1 All Spurgeons workforce will in the first instance respond to complaints by:

- always taking complaints seriously
- attempting to resolve the issue informally in the first instance wherever possible.
- Making a written record of the complaint
- Keeping a log of any actions and outcomes
- Keeping the complainant informed

If this is not possible and /or not appropriate or the complainant wishes to make a formal written complain, then the member of staff must:-

- explain the Spurgeons Complaints policy and procedure
- give or send the complainant a Complaints Leaflet
- invite the complainant to put their complaint in writing and support them in doing so if required
- take the complainant's name and contact details

Staff members will inform their Line Manager within 24 hours, giving the name and contact details of the complainant, a completed Complaints Leaflet where this has been completed and a summary of the complaint. The Manager will complete a Complaints Record Form and forward this to the Data, Insight and Evidence team (complaints@spurgeons.org) for logging

The Manager will send written acknowledgment to the complainant within 72 hours of receipt of the complaint or sooner if possible. A pro forma letter of acknowledgment is provided at Appendix 1.

1.2 Where a complaint is received by a service/function the manager will inform their Regional Manager/Equivalent Manager or 'Head of' within 24 hours of receipt of the complaint. The Regional Manager/Equivalent Manager or 'Head of' will appoint an appropriate person to investigate the complaint.

The Regional Manager/Equivalent Manager or 'Head of' may investigate the complaint as investigating officer where:

- a complaint is deemed to be significantly serious

- a complaint is received about a service or departmental manager
- a complaint is made about organisational policy
- a complaint is made on behalf of an organisation with which Spurgeons has a service or other contract

- a complaint is received which may influence the public reputation of the organisation
- a complaint is received that a donors wishes are not being adhered to – either communication frequency/method etc

As a principle, Spurgeons will operate the appointment of an investigating officer at the lowest safest and most appropriate level of management.

- 1.3 On receipt of a complaint, or at any time during its investigation, if in the opinion of the investigating officer there is or could be a conflict of interest; s/he will discuss the matter with their line manager. If, in the opinion of the Regional Manager/Equivalent Manager or 'Head of', if there is a conflict of interest, s/he will appoint a different investigating officer.

2 Investigation of complaint

- 2.1 Within 3 working days of appointment, the investigating officer will write to the complainant to inform them that s/he will be looking into their complaint and proposing a meeting to try to resolve the complaint.

- 2.2 The investigating officer will:

- agree the content of the complaint with the complainant to ensure a common understanding
- ensure that the complainant is aware of his/her rights and the range of options and procedures available for resolving the complaint
- notify either the service/function or individual in writing of the complaint and their line manager and arrange a meeting to try to resolve the complaint
- request access to any information, attend any meetings or make representations as may assist a settlement of the complaint
- maintain a written record of the investigation

If during the process of investigating the complaint the investigating officer considers the complaint to be sufficiently serious to involve disciplinary measures, they will immediately inform their line manager who, in consultation with the Senior HR Business Partner, will decide whether to invoke the disciplinary procedure. If the disciplinary procedure is put into operation, the complaints procedure will be suspended.

The Complaints Record Form will record this decision and will be authorised by the Senior HR Business Partner, before forwarding to Data, Insight and Evidence team (complaints@spurgeons.org) for recording on the organisational complaints register.

- 2.3 During any interviews with the investigating officer the complainant may be accompanied by a friend/relative/supporter or representative.
- 2.4 During any interviews with the investigating officer the person complained about maybe accompanied by a trade union representative or a Spurgeons colleague; a family member or friend may be permitted if agreed in advance with the chair of the meeting.

- 2.5 The investigating officer will produce a report of his/her findings within 28 days of the receipt of the complaint and will discuss this with the complainant and the person complained about either individually or with all present.

3 Resolution of complaint

A complaint may be resolved by:

- a resolution being reached which is acceptable to all involved
- any misunderstandings which led to the complaint being resolved
- the circumstances which led to the complaint being changed so that they no longer give cause for concern
- a decision by the complainant to withdraw the complaint
- a mutual agreement
- an apology

- 3.1 If the complaint is resolved at this stage, the investigating officer will summarise the findings in writing sending a copy to the complainant, the person/service complained about and their line manager. A copy of the report will sent to the Regional Manager/Equivalent Manager or 'Head of'.
- 3.2 Throughout the complaints process, if a complainant is unable to read or write, the investigating officer will make suitable arrangements for communications with the complainant and enable them to make a statement with an affirmative signature. The investigating officer should encourage the complainant to bring a friend for support when making their statement.
- 3.3 Throughout the complaints process, if a complainant's usual language of communication is not English, the investigating officer will ensure that suitable translation arrangements are made. The investigating officer should encourage the complainant to bring a friend for support when making their statement.
- 3.3.1 During any interviews with the investigating officer the person complained about may be accompanied by a Spurgeons colleague; a family member or friend may be permitted if agreed in advance with the chair of the meeting.
- 3.4 If the complaint is not resolved at this stage the complainant will be advised of their right to appeal the outcome and have this reviewed. The purpose of this review is to seek to gain resolution of the complaint. See Stage 2 procedure.
- 3.5 If in the view of the complainant the complaint has not been properly investigated or the procedure not properly followed, this will be treated as a new complaint and investigated by the Regional Manager/Equivalent Manager or 'Head of'. This may take

place following a resolved complaint or an unresolved complaint. The Stage 1 procedure will be followed.

4 Reporting responsibilities

On resolution of the complaint the investigating officer will update the Complaints Record Form which should then be sent to the Data, Insight and Evidence team (complaints@spurgeons.org) together with all relevant records, including correspondence and reports relating to the complaint (but not sensitive case file information). The Data, Insight and Evidence team will send this documentation to the Head of Practice and Head of People' so that the complaint can be signed off and the complaint log closed.

Details of complaints and appeal outcomes for complaints received through Children's Services are reported to the Standards and Outcomes Committee of the Board of Trustees on a quarterly basis.

Details and outcomes of complaints made to the Marketing and Fundraising function are reported to the External Communications and Fundraising Committee of the Board of Trustees as well as being annually reported to the Fundraising Standards Board (FRSB)

Stage 2 – Complaint Appeals

- 1 If the complaint is not resolved at Stage 1 the complainant may appeal the outcome. The purpose of this appeal will be, if possible, to gain resolution of the complaint. If the complaint cannot be resolved, the appeals officer will make a decision including actions proposed to be taken.
- 2 The complaint appeal will be undertaken by whoever the Regional Manager/Equivalent Manager or 'Head of' nominates as appeals officer. The person nominated should be of an equivalent or senior level to the investigating officer and may be the Regional Manager/Equivalent Manager or 'Head of' themselves. The 'Head of' may undertake the appeal where:
 - a complaint is deemed to be significantly serious
 - a complaint is received about a /Equivalent Manager or 'Head of'
 - a complaint is made about organisational policy
 - a complaint is made on behalf of an organisation where Spurgeons has a service or other contract
 - a complaint is received which may influence the public reputation of the organisation
- 3 Upon receipt of an appeal the appeals officer will:
 - advise in writing the person complained about (and their line manager) that the complaint has been referred to appeal and the reasons given for the appeal

- ensure that the person complained about is fully aware of all relevant options, outcomes and timescales concerning this stage of the procedure
- confirm to the complainant in writing, within 72 hours of receipt of the appeal, that the outcome of the complaint is under review and introducing themselves as the appeals officer
- ensure the complainant is fully aware of all the relevant options, outcomes and timescales concerning this stage of the procedure

4 The appeals officer will review evidence collected during the Stage 1 complaint investigation and maintain a written record of the appeal, and may:

- interview the complainant
- interview the person complained about
- interview the investigating officer
- request access to any information, attend any meetings or make representations as may assist a settlement of the complaint

5 If the appeals officer considers the complaint to be sufficiently serious to involve disciplinary measures, s/he will, in consultation with the Senior HR Business Partner, decide whether to invoke the disciplinary procedure. If the disciplinary procedure is put into operation, the complaints appeal procedure will be suspended.

6 The Stage 2 Appeals procedure continues as outlined in Section 2 above substituting appeals officer for investigating officer.

7. At the conclusion on any formal written appeal complaint or appeal, a copy of the report will be sent to the Head of People and Head of Department. For Children's Services this will be the Head of Practice.

8. Following the appeal meeting, the outcome will be notified in writing within 7 days wherever possible. The outcome of the meeting will be final. On conclusion of the outcome of the appeal meeting there is no further right of appeal within Spurgeons. Any further complaint will need to be made to The Charity Commission.

Pro forma Letter of Acknowledgement

Dear

I am writing to confirm that I have received your letter of complaint dated *(insert date)*
Thank you for drawing these matters to my attention.

Spurgeons welcomes the comments of all service users and those who come into contact with the organisation and we seek to deal with complaints thoroughly and fairly, within our complaints policy and procedure.

I will/have appointed *(insert name and job title here)* to investigate your complaint. They will contact you shortly to make arrangements to look into the circumstances of your concerns.

We are committed to completing the complaints process within 28 days of receiving your complaint.

Yours sincerely

Name

Job Title

Contact email and phone number