

## Complaints Policy and Procedure

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| 1       | Dec 2016      | First version   | Alice Doyle |
| 2       | Jan 2018      | Added p2 re complaints to be made within 12 months of query | Alice Doyle |

## **Introduction**

The Brain & Spine Foundation (BSF) is committed to providing an excellent service to its users and other stakeholders working in an open and accountable way that builds trust and respect. We have developed a Complaints Policy and Procedure that explains our approach to receiving complaints.

## **Our Aim**

BSF aims to resolve complaints quickly, fairly and effectively. One of the ways in which we can continue to improve the services that we provide is by listening and responding to the views of our users, partners and stakeholders and in particular responding positively to complaints, and by putting mistakes right.

We aim to ensure that:

- making a complaint is as easy as possible;
- complaints are dealt with fairly and in a timely manner;
- we treat a complaint as a clear expression of dissatisfaction with our service which calls for an immediate response;
- we deal with it promptly, politely and when appropriate confidentially;
- we will respond in the correct way – for example, with an explanation, or an apology or information on any action taken;
- we will learn from complaints and use them to improve the services that we offer.

BSF recognises that many concerns raised will be informal, and we aim to deal with these quickly. In the first instance we would expect any complaint to be raised directly with the member of staff concerned. But if concerns cannot be satisfactorily resolved informally, then the formal complaints procedure should be followed.

## **Definition**

A complaint is any expression of dissatisfaction with our services; whether justified or not; with BSF, with a member of staff, or with a BSF trustee, that relates to BSF and that requires a formal response.

## **Purpose**

BSF's complaint procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

BSF's responsibility will be to:

- acknowledge the formal complaint in writing;
- respond within a stated period of time;
- deal reasonably and sensitively with the complaint;
- take appropriate action if required;

The complainant's responsibility is to:

- raise their concerns promptly, and at the latest within twelve months of the query or incident the concern relates to;
- raise issues directly with the person concerned and if their concerns cannot be resolved satisfactorily informally, then to follow the formal complaints procedure as detailed;
- explain the problem as clearly and as fully as possible, including any action taken to date;
- allow BSF a reasonable amount of time to deal with the matter as detailed in the formal complaints procedure;

- recognise that some circumstances may be beyond BSF's control.

### **Monitoring and Learning from Complaints**

Complaints are reviewed annually to identify any trends which may indicate a need to take further action.

### **Confidentiality**

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements. The circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality. Should this be the case, the situation will be explained to the complainant.

### **Principles of the Complaints Policy**

- The BSF Complaints policy is based on the principle of a three stage process (as detailed in the Complaints Procedure).
- The Complaints Policy will apply to all services that BSF provides including fundraising.
- If at any time during the investigation of a complaint matters arise that warrant investigation under disciplinary proceedings, or through a criminal investigation, the complaints procedure will be suspended until those investigations are concluded.
- Where a complaint is against a member of staff they should be informed of the support services available to them.
- The CEO should be informed of the receipt of a Stage 1 formal complaint. A complete record of the entire process should be kept. A copy of all reports, transcripts of interviews and other relevant information should be forwarded to the CEO for immediate review by the line manager.
- BSF may, at any stage of the formal complaints procedure, review a complaint and give a decision, without a formal investigation, where a member of the management team deems the complaint to be deliberately repetitive or vexatious. Examples of such complaints are unsubstantiated or repetitive complaints against an individual or service, or where a complaint has previously been investigated and appropriate action taken.
- When appealing against a previous decision, the complainant will be asked to state why they are dissatisfied with how their complaint was handled.

### **Formal Complaints Procedure**

#### **1. Stage 1**

1.1. If you are unable to resolve the issue informally and wish to make a formal complaint you should write a formal letter or email of complaint to the line manager of the member of staff concerned. In your letter or email you should set out the details of your complaint, the consequences for you as a result, and the remedy you are seeking.

1.2. You can expect the complaint to be acknowledged within 5 working days of receipt. You should get a response and an explanation within 10 working days.

1.3. The written response will also notify the complainant that they have 28 days in which to ask for the complaint and response to be reviewed (stage 2); if they are dissatisfied with the response they have received.

1.4. If you are unsure which member of BSF staff to write to, your complaint should be addressed to the CEO, marked "private and confidential" to the following address.

1.5. Address: Brain & Spine Foundation, LG01 Lincoln House, Kennington Park, 1-3 Brixton Road, London SW9 6DE. Email: [info@brainandspine.org.uk](mailto:info@brainandspine.org.uk)

1.6 Whether or not the complaint has been resolved, the complaint information should be passed to the CEO for information within one week.

## **2. Stage 2**

2.1. If you are dissatisfied with the stage 1 response to your complaint then you can write to the CEO stating the reason why you are dissatisfied with the outcome and ask for your complaint and the response to be given further consideration. You can expect your request to be acknowledged within 5 working days of receipt, describing the process the complaint investigation will follow.

2.2. A stage 2 complaint will be co-ordinated by the CEO, or another manager, who will respond within 20 working days with a full written response giving details of any right of appeal.

2.3 If a definitive reply cannot be supplied within this time, for example because an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

2.4. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage 1. If the complaint relates to a specific person, they should be informed and given another opportunity to respond.

2.5. BSF's aim is to resolve all matters as quickly as possible. However, if a matter requires more detailed investigation, you will receive an interim response describing what is being done to deal with the matter, and when a full reply can be expected and from whom.

## **3. Stage 3**

3.1. If you are not satisfied with the response from stage 2, you then have the option of asking for a review of your complaint in writing to the Chair of the Board of Trustees, at the same address, stating the reason why you are dissatisfied with the outcome of your complaint. You should do this within 10 days of receiving the written response from stage 2.

3.2. The Chair of the Board of Trustees will respond normally within 10 working days to inform you of the action which will be taken to investigate the complaint, and the expected timescale of the investigation.

3.3. The relevant history of the complaint will be made available to the Chair so that a full investigation can be carried out. That investigation may include interviews with the complainant, any staff involved, any witnesses and will also include documentation evidence where appropriate.

3.4. The outcome of the investigation will be communicated to the complainant in writing with details of any action taken and a time-scale for implementation (if applicable and appropriate). All appropriate members of staff will also receive a copy of this report, which will also be presented to the Board of Trustees.

3.5. Should a complainant still be dissatisfied with the outcome, they should be informed of their right to seek legal redress or to make representation to any appropriate statutory body.

3.6. Appropriate staff concerned should report back to the CEO within 10 working days of their receipt of the outcome of the Stage 3 complaint, explaining how they have implemented any recommendations.

## **Appendix 1 - Practical Guidance for Handling Verbal Complaints**

- 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 your 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 can't 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