

Complaints Procedure

Introduction

The Care Forum (TCF) aims to provide the highest possible standard of service delivery in all of its activities and services. The Complaints Procedure forms part of The Care Forum's commitment to consistently improve and develop a quality service. Complaints and their resolution are an important part of learning about what the organisation does not do well and help to improve services. The Care Forum hopes that most problems that arise can be resolved informally, but where that is not possible, there is also a formal procedure as detailed below which will be followed.

The formal complaints procedure enables people to make clear complaints about the organisation and ensures that they know what happens to that complaint and its outcome. It is important to distinguish between general feedback and a formal complaint. This procedure is for the latter.

The Complaints Procedure can be used by:

- Users of the services of The Care Forum. This could be an individual, statutory organisation, voluntary or community organisation.
- Carers, relatives or representatives of service users.
- Organisations who fund or commission The Care Forum
- It does not apply to staff or volunteers, for whom there is a separate Grievance Procedure.

The Complaints Procedure can be used to make complaints about:

- A member of staff including volunteers working on behalf of The Care Forum
- A member of the Board of Trustees
- Work undertaken by The Care Forum by a group or number of staff members.

Where a complaint against a member or members of staff is upheld, The Care Forum will take remedial measures under its Capability or Disciplinary Procedures as appropriate. This will be outside of the Complaints Procedure and will be confidential within the organisation.

Confidentiality and consent to share information:

A. Complaints made by the service user

If the complainant is the service user, consent to investigate their complaint is not normally required unless the investigation requires their personal information to be shared with or requested from other organisations outside TCF. In these circumstances the complainant will be informed that investigation of their complaint may require sharing of information with other organisations and that their consent is required. Lack of consent to share or source personal information, may result in the investigation of the complaint being curtailed and the complaint not being upheld.

B. Complaints made by a third person

Another person can pursue a complaint on behalf of the service user. In order to do this the written consent of the service user must be received before any confidential information can be disclosed to the third party. This includes next of kin, relative, friend, carer, counsellor, advocate or solicitor or other persons claiming to represent a service user.

C. Complaints made by a child

In the case of a child (under 16), a parent or guardian may make the complaint. In some cases it may be appropriate to obtain consent to proceed from a child, if that child is considered to be capable of understanding the situation and can give informed consent. The decision as to whether he/she is capable will need to be assessed on an individual basis and in line with The Care Forum policy. Children who are receiving services from The Care Forum have the right to make a complaint in their own right and have the right to use the complaints process. If the service user is a minor and unable to give consent, the complaint should be discussed with the organisation's Caldecott Guardian.

D. Sharing information on the complaints process and the outcome of a complaint.

Wherever possible, a complaint will be treated as confidential to the organisation and to the immediate staff concerned. If the Chief Executive or Board of Trustees consider that information needs to be shared more widely they will seek the consent of the parties involved in the complaint to share the information. Complaints will need to be shared with the funding body for the service concerned, in which case they will be anonymised unless the complainant consents to personal data being shared.

Equalities

In order to support The Care Forum's commitment to equalities and diversity, we will endeavour to collect demographic data about the person making a complaint and report anonymous data on trends or patterns of complaints to the Board of Trustees.

A. Informal complaints

Wherever possible, on receipt of a complaint, The Care Forum will first try to resolve the matter through its informal complaints procedure. Service users often raise issues about which they are unhappy, without wishing to make a formal complaint. In many instances, they will simply be concerned and wish to receive an explanation and, if something has gone wrong, an apology. All staff are encouraged to record service user views whether satisfied or critical, in order that The Care Forum can continually improve its services.

On receipt of a complaint an informal process will first take place as follows:

- 1) The complaint will be passed to the relevant service manager who will contact the complainant within 2 working days, and if necessary clarify the complaint, including what happened, when it happened, who was involved and any witnesses or other parties who were involved. The service manager will find out what the complainant would like to happen next.
- 2) The service manager will speak to the worker(s) involved and any other witnesses or parties, and will gather information about their perception of events within 2 working days.
- 3) The service manager will contact the complainant within 3 working days to explain their findings and seek resolution to the matter.

The total time from start to finish shall be 7 working days. If the complainant is not satisfied with the outcome of the informal process then the formal complaints procedure can be used which is set out below.

2. Formal complaints

- 1) Formal complaints should be submitted to The Care Forum within 2 months of the incident or events about which the complaint is being made.
- 2) The complaint can be submitted verbally, by email, letter, or using an interpreter if appropriate. If the complaint is made verbally, then the person receiving the initial call/information will write as detailed an account as possible about the complaint, before passing onto the relevant staff member.
- 3) A Complaint Manager will be allocated to the case on the day the complaint is received.
- 4) The Complaint Manager will contact the complainant within 2 working days to acknowledge receipt of the complaint, to clarify any areas which are unclear, and seek further detail about the complaint including what the complainant would like to happen.
- 5) The Complaint Manager will then act as the investigating officer, and will speak to all of the necessary staff, witnesses and/or third parties who may offer further information about the service or incident. The investigation will be conducted within 10 working days of the formal complaint being acknowledged (unless under the specific circumstances that the worker involved or a key witness is on sick leave or holiday, in which case the investigation will be completed as soon as is practicable. In this event the Complaint Manager will notify the complainant immediately as to the cause of the delay and likely timescales).
- 6) In collating evidence about the incident or event, the Complaint Manager will seek written statements which will be signed by the witness to confirm they are an accurate and complete statement of events.
- 7) Within 3 days of completing the investigation process, the Complaint Manager will report to the Adjudicator, who will usually be the Chief Executive of The Care Forum and whose job it is to make a final decision on the outcome of the complaint. The Complaint Manager will summarise the evidence gathered and make recommendations about their findings.
- 8) The Adjudicator will make a final decision on the outcome of the investigation and whether the complaint is upheld and will notify the complainant of their findings within 2 working days of the decision.
- 9) The Adjudicator will notify the Complaint Manager and staff members concerned of their findings within 3 working days and if appropriate will meet with the staff involved to make any necessary changes to practice or procedure.
- 10) The Adjudicator will record their findings which will be reported to the Board of Trustees of The Care Forum at their next meeting.

The formal complaints process should be completed within 17 working days

3. Right of appeal

- 1) If the person making the complaint is not satisfied by the decision of the Adjudicator, he/she can appeal the decision by contacting the Chief Executive of The Care Forum, within 10 working days of the Adjudicator's decision, either by email, letter or verbally.
- 2) The Chief Executive will ensure the grounds for appeal are accurately recorded and acknowledge receipt of the appeal within 3 working days.

- 3) The Chief Executive will contact Board members to convene an appeal hearing. The appeal panel shall include 3 members of The Care Forum Board of Trustees, one of whom will be nominated to act as Chair of the Panel.
- 4) The Chief Executive will gather all of the relevant paperwork and information pertaining to the original complaint and the appeal, within 5 working days of acknowledging the appeal.
- 5) The Appeal Panel will meet to review all of the information relating to the complaint within 10 days of receipt of the appeal. In cases where the information is inconclusive they may call the complainant or staff members to a second panel meeting to provide further information.
- 6) The judgement of the Appeal Panel shall be final.
- 7) The decision of the Appeal Panel will be sent to the complainant within 3 working days of the panel meeting.

The full appeal process should be completed within 13 working days.

Roles within the Complaints Procedure

1 Service Manager – this will be the person who acts in a formal complaint, usually a Project Co-ordinator or Service Director.

2 Complaints Manager – this is a person appointed by The Care Forum to act as the main investigator of the complaint. This person must have received training on this policy and the role of the Complaints Manager. The Complaints Manager will normally be someone in a line management position who does not work on the specific service involved, and for whom there is no conflict of interests.

3 Adjudicator – this is the person who will consider the submissions of the complainant and the results of the investigation by the Complaints Manager. The Adjudicator will make a decision about whether the complaint is upheld or dismissed. The Adjudicator will usually be the Chief Executive of The Care Forum, or in his/ her absence a member of the Senior Management Team.

4 Chair of the Appeal Panel – This will be a nominated member of The Care Forum Board of Trustees.

Complaints about Senior Members of The Care Forum Team

1. Where the complaint is against the Chief Executive an alternative Adjudicator will be identified usually the Chair of the Board of Trustees.
2. Where the complaint is about the Chair of the Board of Trustees, the Vice Chairs of the Board of Trustees of The Care Forum will meet to decide how to investigate the complaint and will if necessary, identify suitably qualified, external staff or consultants to undertake the roles of Complaints Manager, Adjudicator and Chair of the Appeal Panel.

External bodies

If having completed the Complaints Procedure, the Complainant is still unhappy about the outcomes, they can contact the relevant funding body to discuss the case further. Details of the specific funder involved will be provided by The Care Forum on request.

Persistent or repeated complainants

The Care Forum is committed to listening to and trying to resolving complaints about its services. Occasionally complainants are dissatisfied with the outcome of the complaints procedure and may repeatedly or persistently complain about the service or about aspects of how the complaint has been managed.

Where people repeatedly contact The Care Forum with the same complaint or a version thereof, and either do not present any new information or request further information concerning a point already dealt with without the likelihood of any different response being possible, The Care Forum will consider that persistence as unreasonable, particularly when it takes up what we regard as a disproportionate amount of time and resources.

Where an individual's complaints are judged to be unreasonably persistent, the complaints procedure has been exhausted, and there is a continued dispute, The Chief Executive and Chair of the Board of Trustees may decide to refuse to investigate further. In this instance, the complainant will be contacted in writing and advised that:

1. The Care Forum has responded fully to the points raised, and
2. has tried to resolve the complaint, and
3. there is nothing more that can be added, therefore, the correspondence is now at an end.
4. The organisation may also wish to state that future letters will be acknowledged but not answered.

Abusive or harassing behaviour

The Care Forum will not tolerate behaviour towards its staff which is abusive, intimidating or harassing. We recognise that making a complaint can be stressful, but reserve the right to cease to investigate complaints if the complainant becomes abusive.

Contact details for making a complaint:

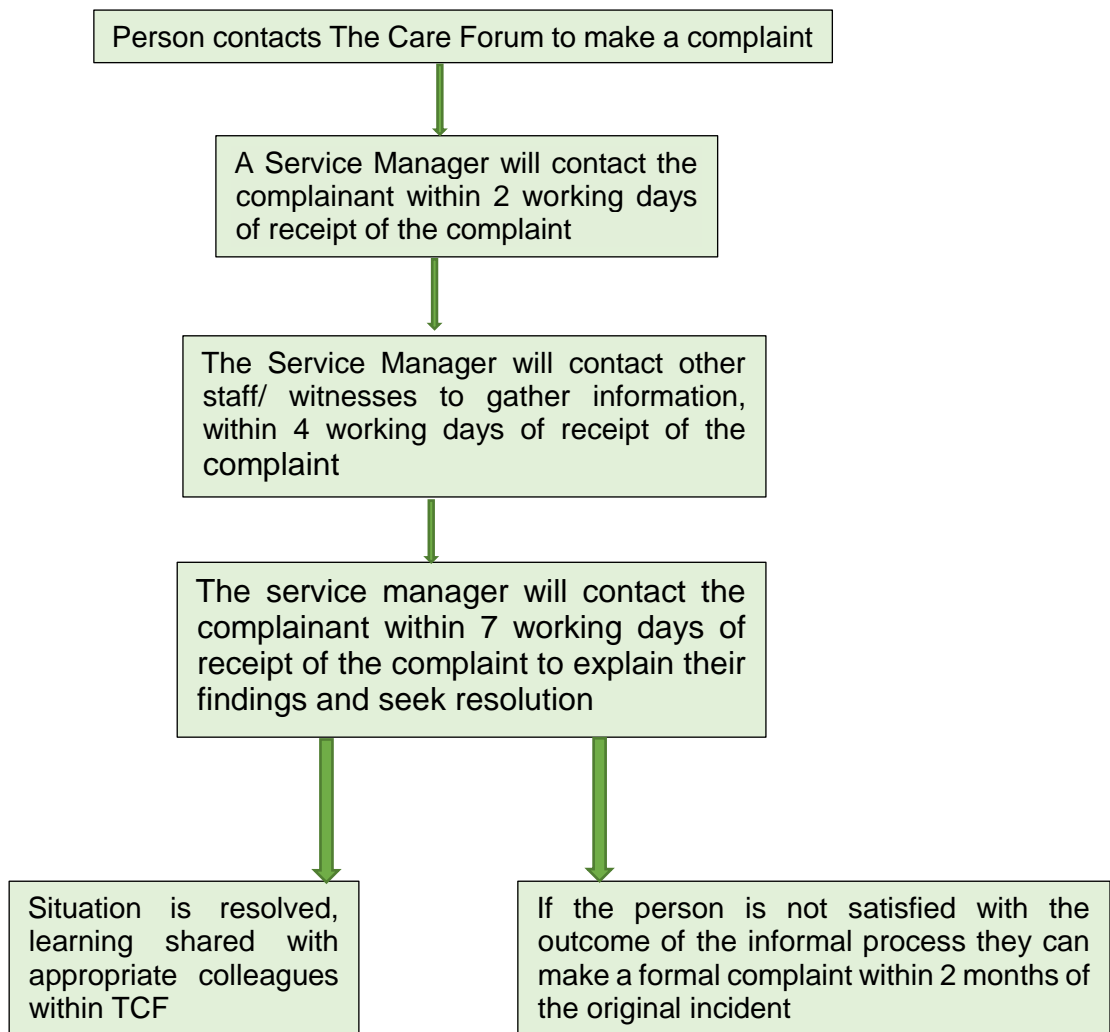
The Care Forum,
The Vassall Centre,
Gill Avenue,
Fishponds,
Bristol
BS16 2QQ

Tel: 0117 965 4444
Fax: 0117 965 0200
email admin@thecareforum.org.uk

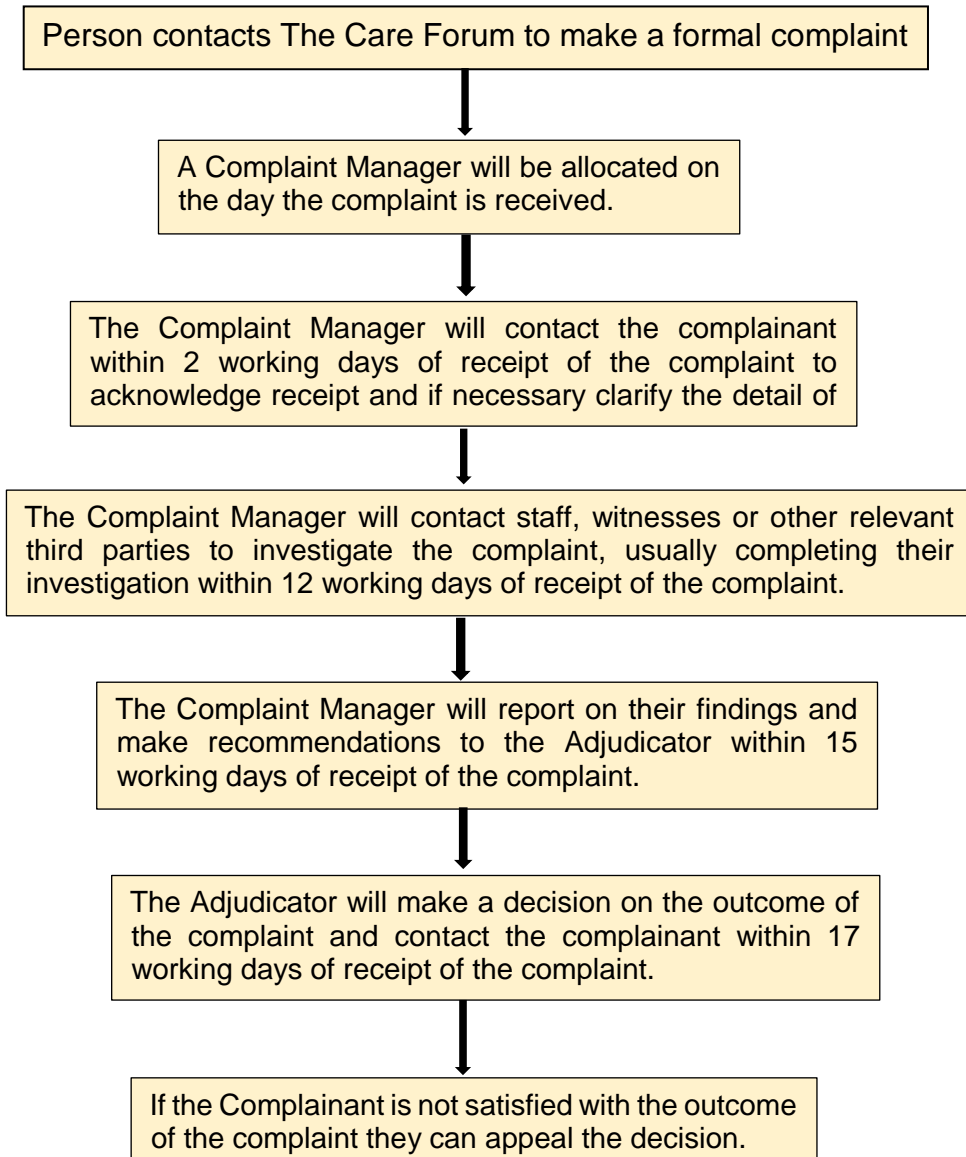
Status of this policy

This policy does not give contractual rights to individual employees and we may amend it at any time.

1. Informal Complaints Process



2. Formal Complaints Process



3. Appeal process

To notify TCF of your decision to appeal, contact the Chief Executive within 10 working days of receiving the decision on your complaint. Please set out clearly the grounds for your appeal.

The Chief Executive will acknowledge receipt of the appeal and will clarify the exact grounds for appeal, within 3 working days of receipt of the appeal.

The Chief Executive will contact TCF Board of Trustees to convene an appeal hearing consisting of 3 Trustees one of whom shall be the nominated Chair of the Panel.

The Appeals Panel will meet to review the information and make a decision within 10 working days of receipt of the appeal.

The Chair of the Panel will notify the complainant of the Appeals Panel's decision which shall be final, within 3 working days of the Panel meeting.