

Complaints Procedure

Document Classification:	PUBLIC
Document Ref.	33
Version:	2
Dated:	01 December 2018
Review Policy:	2 years
Next review due:	01 December 2020
Document Owner:	J. Giles
Approved by:	HR & Risk Sub group

Nottinghamshire Deaf Society – Complaints Procedure

PUBLIC


Revision History

Version	Date	Revision Author	Summary of Changes
1	May 2015	CEO	Full review
2	Dec 2018	CEO	Review and update format

Distribution

Name	Method/Storage Location
Staff/Volunteers	File Server
Trustees	Email/On Request
Public	Website

Approval

Name	Position	Signature	Date
J. Giles	CEO		01/12/18

1. **DEFINITIONS**

Staff For the purpose of these procedures all references to staff means ‘senior managers, officers, directors, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term employees, casual and agency staff, volunteers and members’.

Service User: A service user/consumer/customer is any person for whom the NDS or any of its agents provide a service.

Service The service covers all activities of the NDS.

A Complaint A complaint may be seen as encompassing a range of actions of a service user/carer/advocate, such as seeking clarification, asking for a second opinion, commenting, asking for a review of a decision, questioning policy, objecting, finding fault, etc. In general it may refer to the quality or nature of service provided. Such comments should be welcomed in a positive and productive manner.

Informal Complaint An informal complaint represents a query, problem, comments, and requests etc., which are frequently resolved to the service user’s satisfaction by the worker providing the service. It will be when such informal complaints are not dealt with to the person’s satisfaction that they become subject to formal complaint procedures. This may not always be a clear cut decision and may require discussion with the service user. Discretion will be required as some service users may not always present their views as complaints when they may not wish to invoke formal complaints procedures. Equally, some staff may find it difficult to accept criticisms without perceiving this as a formal complaint.

Complainant The person making the complaint is the complainant.

2. **INTRODUCTION**

2.1. If a complaint is made of any service which involves the charity's staff/members, then we have a proper procedure to deal with the complaint positively, swiftly and efficiently.

2.2. The development of a complaints procedure is part of a move towards "customer care" and the development of quality services. It should be part of a process involving planning, provision and evaluation of services.

2.3. ***The benefits and reasons for a Complaints Procedure***

- (i) Enabling greater service user/customer participation in development of services.
- (ii) To develop service users rights in order to challenge the nature of services provided. (The development of advocacy schemes enable deaf people to know of and request their rights as citizens. In the same way the Nottinghamshire Deaf Society (NDS) should provide the same right of complaint and encourage services users to exercise this right).
- (iii) Assisting service users to access the most appropriate services.
- (iv) Improve customer satisfaction.
- (v) Identify gaps in service provision leading to improved services.

- (vi) Assisting user choice by developing an image of customer responsiveness. This responsiveness should include constructive criticism, compliments as well as complaints.
- (vii) Act as an additional way of monitoring performance.

2.4. Principles

- (i) Deaf people are full members of society. They have equal rights, should be afforded equal respect and must be able to exercise equal opportunities.
- (ii) Deaf people have a right to the language and mode of communication of their choice.
- (iii) Deaf people have a right to equality of access to information and full participation in society.
- (iv) In providing services, full account must be taken of deaf people and other consumers, their experiences, their value, their rights and opinions.
- (v) In addition the Complaints Procedure needs to be:
 - (a) Seen as "fair" and consistent by those using them and the NDS staff/members operating them.
 - (b) Based on "openness".
 - (c) Based on service users/carers' rights.
 - (d) Attempting to make information of NDS services accessible to users in an appropriate form.
- (vi) Operation of the Complaints Procedure should incorporate the complainant and staff members' language and mode of communication of their choice.
- (vii) Operation of the Complaints procedure should at all times maintain the dignity of the complainant and the NDS staff/members involved.

3. WHAT THIS PROCEDURE COVERS

3.1. Complaints may be about the nature of any service provided by, or on behalf of the NDS in particular:

- lack of service/refusal of service.
- delay in receiving service.
- quality of service provided.
- conduct, attitude or competence of any NDS staff, member or authorised agent.

3.2. Complaints may be received from any service user, their carer, representative, advocate, including organisations acting on behalf of the service user, or any other person affected by the Society's actions towards the service user.

4. WHAT THIS PROCEDURE DOES NOT COVER

- It is not about staff grievance procedure.

- It is not about disciplinary procedures.
- It is not about matters relating to sexual or racial discrimination which are subject to court or tribunal action but such matters may arise initially in the form of a complaint.
- It does not cover matters referred to a local Ombudsman, (commissioner for local administration) but such a complaint may have already gone through this procedure. Such a situation may arise when the NDS is providing services on behalf of a local authority e.g. provision of equipment, interpreting.
- It does not cover legal action by service users for negligence or redress.
- It does not cover complaints about services which are not directly provided by NDS.

5. DISCIPLINARY ISSUES

- 5.1.** Situations may arise where a complaint is closely related to a disciplinary matter and in such circumstances the member of staff dealing with the complaint must exercise great care in separating out the different elements. An initial complaint should be dealt with and any associated disciplinary matter be dealt with separately according to NDS disciplinary procedures.

6. OBJECTIVES OF THE COMPLAINTS PROCEDURE

- 6.1.** To provide a simple to understand appropriate and effective means of allowing service users or their representatives to complain about the quality or nature of services provided.
- 6.2.** Ensure that complaints are acted on, the complainant receiving a response which is understanding, swift and fair.
- 6.3.** Aim to resolve complaints quickly and as close to the point of service delivery as possible.
- 6.4.** Give those denied a service an accepted means of challenging the decision.
- 6.5.** Provide in certain circumstances for the formal review of a complaint.
- 6.6.** Give managers an additional means of monitoring performance and the extent to which service objectives are being achieved.

7. ACTIONS OF NDS STAFF IN HANDLING COMPLAINTS

- 7.1.** The principles and objectives outlined above should underpin the actions of the staff of the NDS in recognising when a complaint is being made and subsequently dealing with it.

Staff should:-

- (i) Know how to recognise and deal with a complaint.
- (ii) Make an offer to discuss the matter openly.
- (iii) Not expect it to be in writing.
- (iv) Assist the complainant in expressing their views if necessary.
- (v) Make a written record of every complaint at every stage. This should also be made even if the complaint is made using a different medium e.g. signed video.
- (vi) Deal with the complaint as quickly and as close to the point of service delivery as possible.

- (vii) Understand this procedure and advise complainants of the action being taken at each stage and advise them of their rights accordingly.
- (viii) Ensure that complaints of alleged action of a specific staff member are investigated by a different member of staff.

8. SUMMARY OF COMPLAINTS PROCEDURE

8.1. The following is a summary of the complaints procedure:

Stage 1 - Informal Complaints/Query/Problem

- (i) Resolved by the staff member providing service in 21 days
- (ii) If unresolved it will go to Stage 2

Stage 2 - Formal Complaint

- (i) Investigated by the Chief Executive Officer
- (ii) Resolved in 28 days
- (iii) If unresolved the complaint will be go to Stage 3

Stage 3

- (i) REVIEWED by a Director of NDS and will be resolved in 28 days.
- (ii) Should the complaint not be resolved it will be referred to Stage 4

Stage 4 - Complaints Review Panel

- (i) Comprising of:
 - Chair of Board of Directors
 - Chair of Social Club
 - Another Member of Board of Directors

8.2. *Stage 1 - Informal Complaint*

At the outset all complaints should be treated informally except were the complainant specifically requests it is handled formally.

- (i) Many people will recognise such situations as occurring perhaps on a regular basis and are matters dealt with relatively simply, over the telephone or by letter. Usually, the staff member providing the service will be the person to clarify and resolve such matters. It is expected that such issues should be dealt with speedily because if a service user has to wait a disproportionate length of time it will simply lead to consumer dissatisfaction and reflect poorly on the image of the NDS.
- (ii) When an informal complaint is not resolved to the satisfaction of the complainant, this should be recognised by the staff concerned and action taken to invoke the next stage of the complaints procedure. The complainant should be advised of their right to make a

formal complaint and the action that will follow. The staff member should advise the complainant that following the complaints procedure would not affect their right to seek redress through any other appropriate means.

- (iii)** Any informal queries should be dealt with within fourteen days and if not resolved to the complainant's satisfaction, then the Chief Executive Officer should be informed within one week of the last contact with the complainant. This should be in writing, giving details of the complaint and action taken so far.
- (iv)** A complainant may signify at the outset that they view the matter as a formal complaint and expresses the wish for formal investigation. In such cases, the Chief Executive Officer should be informed prior to any further action and within one week.

8.3. Stage 2 - Formal complaint

When a query becomes a formal complaint it should now be examined by the Chief Executive Officer as follows:-

- (i)** From the point of notification of a formal complaint, it shall be the responsibility of the Chief Executive Officer to maintain contact and liaise with the complainant through all stages of the complaints procedure. In this way the complainant shall not be passed from one staff member to another thus creating greater conflict.
- (ii)** Should the Chief Executive Officer be the subject of the complaint the matter will be handled by another senior member of staff or a Director of NDS. This should be agreed in consultation with the Chairperson of the board of Directors.
- (iii)** Liaise with the member of staff/agent receiving the complaint, examine their written report.
- (iv)** Offer the complainant the opportunity to express their views and discuss the detail of the complaint.
- (v)** Arrange assistance for the complainant to make their complaint in their preferred mode and language of communication. This also applies to the NDS staff involved.
- (vi)** Review in full the matter from the viewpoints of the consumer, the worker dealing with the matter, the person against whom a complaint has been made, if any, and any other person involved.
- (vii)** It is at this point that careful consideration has to be given to whether the matter may involve grievance or disciplinary matters. If this appears likely, consultation should be made with the Chairperson of the Board of Directors of NDS. A decision should be taken with regards to these separate issues and then the complaint should continue to be dealt with. A complainant should not have to wait for other issues to be resolved before their complaint is dealt with.
- (viii)** On reviewing the complaint, the Chief Executive Officer should have a written record of the complaint, have interviewed appropriate individuals and will respond to the

complainant within 28 days of receiving the formal complaint. In doing this the Chief Executive Officer may uphold previous decisions or change them appropriately.

- (ix) The response to the complainant should be in their preferred mode and language of communication but a written record of this response must be maintained.
- (x) In dealing with the complaint, the Chief Executive Officer may take a second opinion from an independent person e.g. a Director.
- (xi) When notifying the complainant of the outcome of the investigation of the formal complaint, the Chief Executive Officer must explain that if the complainant is still dissatisfied they may request that the matter be reviewed by the Chairperson of the Board of Directors of NDS and further considered by members of a Complaints Review Panel. Equally, the complainant should be advised if they wish they may seek other advice and take any other appropriate action e.g. consult a solicitor, charity commission etc.
- (xii) The Chief Executive Officer will need to inform the Chairperson of the Board of Directors of NDS if Stage 3 is reached, i.e. an unresolved formal complaint. Copies of records of the complaint and action taken should be passed to the Chairperson of the Board of Directors of NDS.
- (xiii) Regardless of whether the complaint is upheld or dismissed, the Chief Executive Officer should consider whether the circumstances of the complaint amount to a Serious Reportable Incident that is reportable to an external body such as the Charity Commission, Health and Safety Executive or contracting body in the case of a contracted service. This should then either be referred to the HR & Risk Sub group, the Chair or the board or the relevant external body.

8.4. Stage 3 - Review by Chairperson of the Board of Directors of NDS

- (i) This review will be based on the records of action to date. Further information and action may be requested as appropriate and on completion of the review within 28 days. The Chairperson of the Board of Directors of NDS will notify the Chief Executive Officer who will be responsible for appropriate notification to be given to the complainant.
- (ii) If the complainant is still dissatisfied and the matter unresolved they shall be informed by the Chief Officer of their right to have the matter considered by the Complaints Review Panel.
- (iii) If the complainant wishes to have the matter considered by the Panel the Chief Executive Officer should inform the Chairperson of the Board of Directors of NDS who will arrange a complaints review panel meeting.

8.5. Stage 4 - Complaints Review Panel

This will be comprised of the following:-

- Chair of the NDS Board of Directors
- Chair of Nottinghamshire Deaf Community
- Another Director of NDS.

- 8.6.** Meetings will be called to consider unresolved complaints and provide guidance on further action. Details of the unresolved complaint and action taken to date will be presented by the Chief Executive Officer and the complainant shall have the opportunity to make representation to the meeting. The Chief Executive Officer will be responsible for organising appropriate communication support and any other appropriate assistance required by the complainant or their representatives for the meeting.
- 8.7.** The Panel will consider all the information presented and decide on any further action. This decision should be made known to the complainant or their representative whether directly or as soon as possible, but within seven working days (by the Chief Officer). Where the complainant is still dissatisfied, they still have the right to seek other means of assistance e.g. a Member of Parliament.
- 8.8.** The Complaints Review Panel will also have oversight of the operation of the complaints procedure. Summary information will be provided on an annual basis indicating the number of complaints, nature, how dealt with etc. Such a report will be provided by the Chief Executive Officer developed through monitoring and evaluation records.

9. EVALUATION AND MONITORING OF FORMAL COMPLAINTS

- 9.1.** The establishment of a formal complaints procedure is part of the quality control process and in turn, part of a broader process of quality assurance. It needs to operate swiftly, fairly and provide information for further development and refinement of service provision. In order to produce this information details of all formal complaints and action taken needs to be maintained. Analysis of the operation of the complaints procedure will be presented to the Complaints Review Panel. This could include details such as:-
- Number of complaints.
 - Type of complaint e.g. delay, refusal, poor quality.
 - Nature of service subject to complaint.
 - Number of complaints resolved to service users satisfaction at each stage of the procedure.
 - Number of unresolved complaints.
 - Number of complaints presented to Complaints Review Panel.
 - Number of complaints resulting in disciplinary procedure.
 - Time taken to deal with complaints, min. max. average.
 - Feedback from NDS staff on operation of procedure.
 - Information arising out of complaints relating to service deficits, policy or strategy issues.

A draft form is attached giving a suggested format for recording individual complaints from which the necessary information may be extracted for analysis.