



Supporting and promoting positive living for people living

Complaints Management Policy & Procedure

July 2019

Statement of Policy

The aim of this policy is to communicate Positive Life's commitment to protecting the rights of its staff and service users and to give clear guidance on how complaints should be dealt with.

To assist in developing and improving our services at Positive Life, it is important that we receive feedback including suggestions, concerns and complaints. This procedure is intended to provide a fair structure for facilitating this process and for making and dealing with complaints.

Policy Principles

Anyone making a complaint

- has the right to be treated equally and not experience discrimination
- is entitled to seek external assistance to advocate on their behalf
- to have their complaint treated with an open mind
- to have their complaint investigated without prejudice
- has the right to confidentiality.

In addition, anyone making a complaint should be aware that

- complaints presented in an abusive or offensive manner will not be accepted as complaints
- complaints raised more than three months after the topic of the complaint will not be considered
- third party complaints will not be considered
- complaints presented other than through the appropriate channels will not be considered
- all communication intended for the Board of Directors should be directed through the Chair at Positive Life offices. Any other attempts to contact Board members will not be considered.

SERVICE USER EXPECTATIONS OF POSITIVE LIFE

Anyone engaging with Positive Life can expect the organisation to

- regularly communicate how and when problems can be raised
- ensure awareness of and ready access to the Complaints Management Policy & Procedure
- respond within a reasonable time
- be available for consultation within reasonable time limits bearing in mind the needs of the organisation and the nature of the complaint
- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the complaints procedure, other policies and practice
- keep complainants informed of progress towards a resolution of the issues raised.

POSITIVE LIFE EXPECTATIONS OF SERVICE USERS

Positive Life expects anyone wishing to raise problems with the organisation to

- treat all staff with courtesy and respect
- respect the needs and well-being of all service users and staff
- avoid any use, or threatened use, of violence to people or property
- avoid any aggression or verbal abuse

- recognise the time constraints under which members of staff work and allow the organisation a reasonable time to respond
- recognise that resolving a specific problem can sometimes take some time.

Types of complaint

i. Comments or concerns

Where someone does not wish their expression of views to be labelled as a complaint – but would like them to be noted and acted upon – this wish will be respected.

If you have a concern with any aspect of our services or activities, we want to hear from you. In general, we believe it is best to deal with issues as soon as possible after they arise, therefore we encourage you to raise the matter at the earliest opportunity with the person you are dealing with. They will try to resolve it for you in a timely fashion.

You do not have to state your concern in writing and dealing with it in this way does not mean that you cannot raise it under the complaints procedure if this process does not resolve the matter.

ii. Anonymous Complaints

This should be reported immediately to the CEO however, Positive Life cannot proceed with investigations of anonymous complaints.

iii. Complaints via the Media

In the event of a call from the media, staff should direct the call to the CEO who will advise and liaise with the Chairperson and Board of Directors at the earliest opportunity.

If a statement is necessary, the CEO/Chairperson will draft it.

The CEO/Chairperson will make all relevant staff aware of the situation.

iv. Informal Complaints

Informal complaints can be made either verbally or in writing. Complainants are encouraged to make complaints, initially informally. Where possible, an informal complaint will be acknowledged by the person who receives it or by the CEO and resolved if not immediately within 5 working days. By taking a co-operative problem-solving approach, they will try to find out what the complainant hopes to achieve. Positive Life hopes that most issues will be effectively dealt with in this way.

All complainants will however be advised on the process for making a complaint formal.

v. Formal Complaints

Formal complaints are those made by or on the complainant's behalf where the complainant specifically opts to initiate a formal process. A formal complaint is:

- Made in writing to the CEO;
- When the complainant defines the complaint as formal;
- Where a complainant is dissatisfied with the response to their informal complaint. In this instance, they are invited to make a formal complaint in order to request further investigation and action.

Policy Implementation

The CEO has ultimate responsibility for the effective implementation of this policy and the procedure as detailed below, and must be notified in all instances. Positive Life expects all employees to abide by the policy and help create a harmonious working environment in which the dignity of all is respected.

In order to implement this policy, we will ensure that it is communicated to all our employees through induction training, team briefings, management training and staff handbooks.

Review of the Policy

The Complaints Management Policy & Procedure will be monitored at least bi-annually through the review of information surrounding any complaints received.

All staff will be required to record complaints (Appendix 1) received regardless of the complaint status or outcome. These will be kept on file. The Board of Directors of Positive Life will monitor this information and evaluate feedback from the CEO and employees to ensure suggestions for improvement are taken on board to inform responsive service development and accommodate any need for policy change.

COMPLAINTS PROCEDURE

Complaints can be about a range of issues e.g.

- Positive Life services
- Administration
- Staff involved in service delivery.

We take all complaints very seriously, however please note that we can only investigate a complaint where there is available evidence to substantiate it, so it is important that you provide as much information as possible.

If it helps you to do this, you may involve an advocate, friend or someone else to support you at any stage. If you need information provided in an accessible format, please let us know and every reasonable effort will be made to provide it.

The following outlines the four stages of Positive Life's procedure for dealing with complaints.

Stage One – Informal stage

Except where a complainant specifically asks to initiate the formal process, which commences at Stage 2, Positive Life will attempt to deal with complaints informally irrespective of how the matter is raised.

i. Raising a complaint

Under this stage of the process, the complainant should contact the person they are dealing with at the earliest opportunity. At this time they should explain the nature of the complaint including

- What went wrong
- Where and when it happened
- Who was involved
- What you want to happen to resolve the issue.

(Please note that if you are not comfortable raising your concern with the person you are dealing with, you should take the matter to their manager in the first instance).

ii. Responding to the complaint

The staff member may need some time to clarify the situation, but in any instance will respond to you within five working days with a proposal for resolving your complaint.

If the member of staff you are dealing with cannot help, they will explain why and agree how your complaint will be progressed. This will usually be done by passing the matter to their line manager for consideration.

Stage Two – Formally registering a complaint

If you are not happy with the outcome at stage one (informal), or where you have opted to move straight to a formal process you should then initiate Stage 2 of this procedure.

i. Raising the complaint

Under this stage of the process, you should state the detail of your complaint in written form, including the following information

- What went wrong

- Where and when it happened
- Who was involved
- What you want to happen to resolve the issue (although Positive Life are not obligated to resolve the matter in this particular way)
- Your name, address and contact details

Send your complaint marked private & confidential to The CEO, Positive Life, 20 Derryvolgie Avenue, Belfast, BT9 6FN or by e-mail to jacquie@positivelifeni.com

(Please note that if your complaint is about the CEO please address it to the Chairperson - marked private and confidential - and send it to the address above).

ii. Investigating the complaint

Your complaint will be acknowledged by letter within seven working days from the date it is received. The response will contain the following information

- Contact details for person who will consider the basis of your complaint
- If there is to be an investigation, the date the investigation will start
- Anticipated time frame
- Details of any additional support you will receive during the process of the complaint e.g. in terms of making information accessible, support with representation

Please note that where a complaint is against a member of Positive Life staff or Board, they will have the right to present their case to their line manager or to the Chair of the Board.

iii. Responding to the complaint

You will receive a full response to your complaint within 28 working days from the start of the investigation, in writing, from the person appointed to investigate the complaint. This will include the following information

- Details of the investigation
- Whether the complaint has been upheld
- The reason for the decision
- If appropriate, details of any action to be taken e.g. apology, change to procedures etc.

If we cannot provide a full response within 28 days, we will explain the reason why and give you a date by which you can expect a response.

Stage Three – Appeal

If you are not satisfied with the response that you have received following the Stage Two investigation into the complaint, then you should initiate Stage Three which operates as follows

- You will be required to outline the reasons for your dissatisfaction within seven working days to the Chief Executive (or the Chair of the Board of Directors if the complaint is about the Chief Executive)
- Upon receipt of this, the Board of Directors, will decide the most appropriate way to consider your appeal. Directors involvement will be restricted to people who have had no previous involvement in the complaint
- You will be advised in writing within 10 working days of receiving your appeal detailing how the matter will be progressed
- You will be informed within 28 days in writing of the final decision regarding the complaint, the reason for the decision and any help or direction to other sources of support

- This decision will be final
- If the complaint is upheld necessary action will be taken. You will be advised of any resulting action as appropriate.

REPETITIVE, FRIVOLOUS OR VEXATIOUS COMPLAINTS

Occasionally, complainants may act inappropriately towards employees and this can arise from a variety of causes, including

- acting out of character at a time of stress, anxiety, or distress
- a medical condition or mental illness which makes effective communication difficult without giving the appearance of being aggressive
- the use of prescription or other drugs which cause similar effects
- a learning difficulty which hinders positive formal social communication.

Such a situation may impact negatively on the day-to-day running of Positive Life and directly or indirectly the overall well-being of other service users or staff. In these exceptional circumstances, the organisation may take action in accordance with this policy.

Positive Life staff are skilled and make all reasonable allowances for a complainant's behaviour and to understand that it does not, of itself, mean that a complaint is unjustified. However, a small minority of people make complaints that are vexatious, in that they persist unreasonably with complaints or make complaints other than genuinely to resolve a concern. They may act in a manner which, even after making allowances for the cause of their behaviour, is inappropriate and unacceptable.

These types of complaints are not only distressing for Positive Life staff who must deal with them, but are time consuming and unnecessarily divert already limited resources from their true purpose. Therefore, it is important that such complaints are properly identified and managed.

Identifying a vexatious complaint

A complaint may be regarded as vexatious if it

- has already been investigated by the organisation and provides no new or material information
- changes the substance of a complaint or continually raises further concerns or questions whilst the original complaint is being addressed
- fails to clearly identify the substance of a complaint or the precise issues which may need to be investigated, despite reasonable efforts by Positive Life to assist the complainant to do so
- raises trivial matters to an extent out of proportion to their significance
- makes excessive contact with the organisation
- seeks to impose unreasonable demands or expectations on resources, such as actions or responses being provided more urgently than is reasonable or necessary
- revisits historic issues.

In identifying frivolous or vexatious complaints, Positive Life staff will be careful to distinguish between complainants who are raising genuine concerns and those who are not. This can be achieved by recognising that

- complainants may often be aggrieved, frustrated or have other reasons for their behaviour. The focus will be on the merits of the complaint rather than the attitude of the complainant; and

- every complaint will be considered on its merits and, even if someone has made a vexatious complaint in the past, it will not be assumed that any other complaint they make will also be vexatious.

Identifying a persistent complainant

A persistent complainant is anyone who complains about issues, either formally or informally, or frequently revisits the same issues, and whose behaviour is unreasonable.

Such behaviour may be characterised by

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about the same or similar concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- an insistence on only dealing with one member of staff on all occasions irrespective of the issue and the level of delegation to deal with such matters
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome falls outside Positive Life policy, custom and practice, or the law.

Managing repetitive, frivolous or vexatious complaints

The management of vexatious complaints can be very time consuming and are largely a matter of professional judgement for the staff concerned, taking advice from their line manager as appropriate. Positive Life is not obliged to meet a complainant's unreasonable demands, for example, by answering every single point in an unreasonable letter. However, every effort will be made to resolve any matters raised at an early stage rather than seeking to close it and spend more time enforcing that decision.

The most difficult vexatious complaints to deal with are those where the complaint is slightly different from the original complaint, but about the same broad area of activity. Careful consideration will be given to whether or not the matters are sufficiently different to justify being considered as a new complaint.

Equally, if a complainant continues to make complaints about different matters, each complaint will be considered in the usual manner unless they are about entirely trivial matters.

In cases where it is decided that a complaint is vexatious, the matter may be closed with the consent of the Chief Executive. The complainant will be informed in writing of the decision and advised that Positive Life will not enter into any further correspondence about the matter.

TELEPHONE COMPLAINTS

If a complainant persistently calls to discuss a complaint or to make further complaints, and this is proving time consuming and disruptive, it is reasonable for the staff member concerned to ask the complainant to put their concerns in writing and to terminate the conversation.

It is also acceptable for staff to terminate a telephone conversation if a complainant displays an unacceptable level of abuse or aggression during the conversation.

In either case, the employee should remain polite and, wherever possible:

- provide the complainant with the opportunity to modify their behaviour, by informing the complainant that unless they do so, the call will be terminated; and
- advise the complainant that, if the call is terminated, Positive Life may no longer accept telephone calls from the complainant and will only deal with them in writing.

If a call is terminated because of the complainant's conduct, the member of staff should do so politely and make a file note of what occurred.

With the consent of the Chief Executive, the complainant may be informed in writing that the organisation will no longer accept telephone calls from them and will only deal with the complainant in writing.

ABUSIVE COMPLAINANTS

People under stress or who are feeling angry or upset, may react in an abusive or aggressive way to the person with whom they are dealing. However, a balance must be drawn between the ability and desire to assist a complainant and what can reasonably be achieved in the circumstances.

Positive Life is committed to maintaining a working environment in which threatening, abusive, humiliating or offensive behaviour is not tolerated. It is not appropriate for staff or other service users to be faced with verbal aggression or abuse. A robust approach will be adopted in any case where a complainant subjects a member of staff to

- harassment, intimidation or verbally aggressive behaviour such as shouting, excessive swearing or foul language
- personal abuse such as offensive sexual or racial remarks or offensive remarks about a person's disability
- threats or use of physical violence.

The personal safety of staff will never be compromised. Meetings should always be brought to an end in circumstances where the complainant becomes aggressive, abusive or displays a high level of distress.

In these circumstances it is acceptable for staff to ask the complainant to leave the premises and this should be done politely.

Unless it is clearly inappropriate to do so, they should also be informed that it might be possible to continue the conversation at a future meeting when they are less distressed.

In any case, where a situation is terminated because of the conduct of the complainant, Positive Life staff should make a case note of what occurred and bring the matter to the attention of their line manager. The manager will review the case and may decide that personal contact with the complainant is to be discontinued. In that event, the line manager will inform the complainant in writing that the complaint may only be pursued further by written correspondence.

Positive Life will continue to offer abusive or vexatious complainants opportunities to address issues in a respectful manner, however it should be noted that where this is not possible, it is reasonable to defer any further engagement until matters can be resolved.

Written correspondence

If correspondence appears vexatious, abusive or threatening, either implicitly or explicitly, it is acceptable not to reply to it and simply leave the correspondence on file with a note explaining why a reply has not been sent.

All such correspondence should be brought to the attention of the Chief Executive, who will review the case and may decide to respond to the complainant explaining that the nature of their correspondence is unacceptable and that no further correspondence will be entered into while the complainant continues in this vein.

In extreme cases, where there are direct and credible threats towards an individual, the Chief Executive may refer the correspondence to the police.

Violence or threats of violence are unacceptable and will not be tolerated. Any assault on a member of Positive Life staff in course of their duties will be reported to the police.



COMPLAINTS RECORD

Complainant name: _____

Agreed contact details: _____

Staff member: _____

Date of complaint: _____

Stage of procedure: _____

Details of Complaint:

Agreed method of progression including dates:

Details of investigation:

Outcome:

Details of further action to be taken (if any):

Signed: _____
Staff member

Signed: _____
Complainant

Date: _____
Completion