



Comments, Questions Concerns/Complaints

POLICY & PROCEDURE

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Section 1: Introduction

1.1 PURPOSE

Ealing Mencap aims to provide high quality services for all our customers and partners. We believe that everyone has a right to express their feelings and experiences of the service we provide.

If we know what your experience is, we can build on what we do well and introduce changes where they are needed.

Ealing Mencap is especially committed to dealing with any concern that is raised, fairly and impartially and within the agreed timescales of this policy and procedure.

By inviting comments, questions and concerns and encouraging feedback Ealing Mencap aims to ensure that its provisions are continually reviewed and improved to meet the needs of the people we support.

The main purpose of this policy and procedure are:

- To recognise the importance and value of feedback.
- To provide people with a clear way to contact us and tell them when they will receive an answer.
- To provide accessible ways for our people to easily give feedback.
- To use feedback to understand what may be causing problems and change our processes to improve the support we provide.
- To use positive feedback to showcase what we are doing well

1.2 SCOPE includes:

i. **Staff**

This policy applies to all employees working at all levels.

ii. **People using Ealing Mencap services**

Including customers, carers, parents, partners and the general public.

This policy and procedure should be read in conjunction with other Ealing Mencap Policies and Procedures including but not limited to: Equality and Diversity, Referral and Review, Confidentiality and Data Protection, Employee Handbook, Health and Safety Handbook, Mental Capacity and DOLS, Safeguarding, Challenging Behaviour.

For staff attention only: Ealing Mencap Policies and Procedures are located in the Team Drive in Google. Other policies and procedures should be referred to as required.

For all other stakeholders, including our customers and their parents/carers, there is a Comments, Questions, Concerns/Complaints electronic form on our website. <https://www.ealingmencap.org.uk/who-we-are/contact-locations/>

The Board of Trustees have delegated responsibility for monitoring adherence to this policy and procedure to the Chief Executive and the management team.

1.3 LEGISLATION

The Accessible Information Standard June 2015.

Social Care Act 2012 (section 250)

<http://www.legislation.gov.uk/ukpga/2012/7/section/250>

Care Act 2015

The Equality Act 2010

Data Protection Act 1998

Mental Capacity Act 2005

1.4 COMMUNICATION

Managers will ensure that this policy and procedure has been distributed and communicated to their respective teams and that, where appropriate, training or awareness raising of the policy and procedure will be introduced.

1.5 DEFINITION OF A COMMENT, QUESTION OR CONCERN

A comment is... when a person wants to tell us their point of view about the support we provide. These views could help us consider how we operate and may help us make changes that will benefit everyone. It could also be a compliment where someone tells us about the support they have received that they are particularly pleased with. We are always delighted when people take the time to contact us about a good experience and we will always tell our staff about this appreciation.

A question is... where a person wants/ needs more information or answer. For example they may need more information on our services/what we do.

A concern/complaint is... where a person wants to inform us of a matter that involves or affects them/someone else, that is important to them and that they are worried or anxious about. It could also be where a person complains about/tell us about a poor experience they have had and that they are not satisfied with. We then look into the concern/complaint to find out if something has gone wrong, if it has why did it happen, and make changes to prevent it happening in the future.

1.6 WHO/HOW TO COMMENT, QUESTION OR RAISE A CONCERN?

Anyone who receives support from Ealing Mencap or enquires about a service, or a partner/other stakeholder/member of the general public can make comments, ask questions and raise concerns/complaints.

Ealing Mencap also has an Easy Read Concerns/Complaints and Compliments Procedure to help ensure everyone can be supported to have their say.

On Line:

There is an electronic Comments, Questions and Concerns form on our website which is easy to use. Staff should encourage the use of this form if they receive any verbal feedback from any customers, family members or the general public. If the person/s does not want to complete this form the staff member can do this on their behalf, as well as following any procedural expectations. This will ensure we capture and monitor all feedback.

Ealing Mencap's easy to use on-line Comment, Question, Concern form can be found on our web site under the section Contact and Locations:

<https://www.ealingmencap.org.uk/who-we-are/contact-locations/>

By post: Send us a letter telling us about your experience. Letters should be addressed to the Service Manager you wish to send your feedback to and cc'd to the Business Support Team.

Appendix 1 has the service area contact details you will require. The main office/contact detail to cc Business Support is:

Business Support Manager
Enterprise Lodge
Stockdove Way
Perivale
Greenford
UB6 8TJ

By telephone: you can phone us on 020 8566 9575
Monday to Friday 9am to 5pm

We hope that we always provide great support and that people are satisfied and we look forward to receiving your feedback.

Whether we get it right or wrong we would like to know.

This Procedure is made available to all our customers when they commence our service. Easy Read versions are at hand for customers and staff will support customers who wish to use this format. Access to this procedure is available to all key stakeholders and members of the public by emailing info@ealingmencap.org.uk

Section 2: Concerns/Complaints Procedure

2.1 Stage 1 Informal

It is hoped that any problems, concerns or complaints that a customer, family, carer, professional or member of the public may have about the support provided by Ealing Mencap can be dealt with informally at source. This will usually be dealt with by the Service Manager.

When a concern/complaint is received in person or over the telephone, the person raising the concern/making the complaint should be asked whether they would like it dealt with formally or informally in the first instance. The emphasis should be on conciliation and finding a solution to the problem.

The person dealing with the complaint should take full details and find out what outcome the person would like to see. It is important that the facts are clarified before looking at the options and deciding what action to take.

The staff member who initially receives the concern/complaint, if it is not via the Comments Questions and Concerns on-line form, will make a record of the persons details and concerns/complaint and complete the on-line form with the individual. This will ensure we have gathered the correct information and an initial contact record has been made, as well as ensuring our key performance indicators are gathered.

If the Service Manager is not the initial receiver of the concern/complaint the member of staff will inform the appropriate Service Manager, immediately, they will also inform the person raising the concern/complaint who they will be passing this information to and their

details. The Service Manager will check that the relevant and required information has been gathered and recorded.

At this stage, the Service Manager will make all possible attempts to resolve the concern/complaint on the same day or as soon as practicable after and within the timescales.

The Service Manager will look into the concern/complaint and will be available to explain the outcome verbally should a complainant wish.

The outcome will also be sent in writing, either by email or by letter or by the preferred communication method.

This acknowledgment will outline what the concern/complaint is/the, details of any discussion/agreement and outcome.

At all times the person raising the concern/complaint should be given the link/copy of this procedure.

Stage 1 Timescales

We will acknowledge all concerns/complaints within 3 working days.

The informal process should be completed no later than 5 working days after acknowledgment of the concern/complaint.

2.2 Stage 2 Formal

If a problem cannot be resolved in this way, the complainant should inform the person dealing with their initial concern/complaint that they wish to take this matter further. Alternatively, the staff member may inform the complainant that the matter will need to be referred to the next stage.

Or the complainant may choose to use the above contact process as laid out in section 1.6 outlining their full details of their ongoing complaint to, the Senior Manager of the Service that the concern/complaint is about. If you are unsure who this is please look at Appendix 1. If it is still unclear, then please contact the Business Support Team.

The Service Manager will contact the complainant to let them know that they have received their complaint.

The Service Manager may want/need to meet with the complainant to find out more information to help them understand what they are unhappy with.

The Service Manager will then review the events of the stage one process and may seek further clarification from any or all of the parties involved.

They will carry out a full investigation looking into the facts of the matter, talking to staff involved, to try and find out what has happened.

Once the investigation has taken place the Service Manager will send the person making the complaint a letter/ and or meet with them to explain what they have found out.

They may agree that the person has received a poor service and will outline what action Ealing Mencap we will take to improve and prevent this happening in future. They may also disagree that the person's complaint is upheld and will tell the person why they have reached this decision and what standards can be expected, while acknowledging the individual's right to feel dissatisfied.

Stage 2 Timescales.

The Service Manager will notify in writing (as well as where required by their preferred communication method) the complainant of their decision and reasons for the decision. This will be within 15 working days of having received the complaint.

Stage 3: Unresolved or Unsatisfactory Outcome

If the matter has not been resolved or there is no satisfactory outcome within 10 working days of the date the complaint being passed to stage 2 the matter should be referred to:

Chief Executive – Lesley Dodd (lesley.dodd@ealingmencap.org.uk)
Ealing Mencap, Enterprise Lodge, Stockdove Way, Perivale, UB6 8TJ

If, within 7 working days of referring to the Chief Executive, the matter is still not resolved or if there is no satisfactory the matter should be referred to:

The Chairman – George Venus who will then convene an immediate extraordinary Trustee Panel meeting.

Trustee Panel meeting will convey the result to the complainant in writing or their preferred communication method, within and no later than 28 days after acknowledgment of the complaint. The panel's decision is final, and the panel will report their findings and decision to the next Trustee Board Meeting.

All complaints should be dealt with and resolved within the statutory 28 days.

If the complainant is not happy with the final response from Ealing Mencap they can contact:

The Local Government Ombudsman:
PO Box 4771 Coventry, CV4 0EH
Tel: 0300 061 0614

Please look at their website and their information about complaints first.
Website: www.lgo.org.uk

2.5 Unreasonably persistent concerns/complainants and unreasonable complainant behaviour procedure

The majority of concerns/complaints made to Ealing Mencap will be dealt with in a timely and effective manner through the appropriate use of the concerns/complaints section of the procedure outlined in this policy document.

In a minority of cases however, the way in which complainants pursue their complaint can impede investigations and lead to significant resourcing issues.

This procedure should be used as a last resort and after all reasonable measures have been taken to try to resolve complaints following Ealing Mencap's policy and procedure.

The procedure is also designed to protect and support staffs who are the subject of habitual and/or vexatious complaints and to maintain the integrity of the complaints procedure.

As a means of support/guidance Ealing Mencap has adopted the Local Government Ombudsman's guidance in relation to unreasonable and unreasonably persistent complaints.

<https://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

Definition:

Unreasonable complainant behaviour or unreasonably persistent complainants may have reasonable grounds for complaint but pursue them in unreasonable ways; or they may pursue complaints which have no substance or have previously been investigated. Contact by such complainants with Ealing Mencap may be amicable whilst placing significant demands on resources or may be emotional and distressing for those involved. The Local Government Ombudsman outlines a number of examples of unreasonable or unreasonably persistent complainants and the types of behaviour that may be encountered:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.

- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and other bodies prior to utilising the full options described in the Ealing Mencap policy.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous staff or other organisations, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat concerns/complaints, after concerns/complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.

- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of the above

2.6 Options for dealing with habitual or vexatious complainants

When complainants have been identified as habitual vexatious, in accordance with the above criteria, the Chief Executive will need to be informed and they will decide what action to take. The Chief Executive will implement such action and will agree/delegate (where appropriate) that notification will be sent to the complainants promptly and in writing, giving the reason why they have been classified as habitual or vexatious and the action to be taken.

This notification must be copied promptly for the information of others already involved in the complaints and a record must be kept for future reference of the reason why a complainant has been classified as habitual or vexatious and action taken.

The Chief Executive may decide to deal with habitual or vexatious complainants in one of the following ways:

- Once it is clear that complainant meets any of the criteria in section 2.5 (above), it may be appropriate to inform them in writing that they are at risk of being classified as habitual or vexatious. A copy of this procedure should be sent to them and they should be advised to take account of the criteria in any further dealings with the charity.
- Try to resolve matters before invoking this procedure, and/or the sanctions detailed within it, by drawing up signed agreement with the complainant setting out a code of behaviour for the parties involved if Ealing Mencap is to continue dealing with the complaint. If this agreement is breached consideration would then be given to implementing other actions as outlined below.

- Decline further contact with the complainant either in person, by telephone, letter or electronically – or any combination of these – provided that one form of contact is maintained.
- Alternatively, further contact could be restricted to liaison through a third party.
- Inform complainant that in extreme circumstances Ealing Mencap reserves the right to refer unreasonable or vexatious complaints to their Solicitors and/or, if appropriate, the police.
- Temporarily suspend all contact with complainant(s), or investigation of a complaint, whilst seeking legal/police advice.

2.7 Withdrawing habitual or vexatious status

Once complainants have been classified as habitual or vexatious, there needs to be a mechanism for withdrawing this status if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedures would be appropriate.

Staff should have already used careful judgement and discretion in recommending or confirming habitual or vexatious status and similar judgement/discretion will be necessary when recommending that such status should be the case, discussions will be held with the Chief Executive and subject to his/her approval, normal contact with complainants and application of Ealing Mencap's complaints procedures will be resumed.

2.8 Staff operational guidance for handling habitual or vexatious complainants

The following form of words – or a very close approximation – should be used by any member of Ealing Mencap's staff who intends to withdraw from a telephone/email or face to face conversation with a complainant. Grounds for doing so could be that complainant has become unreasonable aggressive, abusive, insulting or threatening to the individual dealing with the call or other Ealing Mencap personnel.

It should not be used to avoid dealing with a complainant's legitimate questions/concerns which can sometimes be expressed extremely strongly.

Careful judgement and discretion must be used in determining whether or not a complainant's approach has become unreasonable.

Suggested FORM OF WORDS

"I am afraid that we have reached the point where your approach has become unreasonable and I have no alternative but to discontinue this conversation/correspondence. Your complaint(s) will still be dealt with by Ealing Mencap in accordance with our complaints procedure. I am now going to put the telephone down/cease correspondence/end this meeting but wish to assure you that the situation will shortly be confirmed in writing to you."

FOLLOW-UP ACTION

The incident should immediately be reported to your Senior Manager and agreement reached on the future means of communication with the complainant together with any further action deemed necessary.

Section 3: APPENDICES

Appendix 1: Contact Details of Service Area Managers

Adult and Children's Services –

Adrian Ford, adrian.ford@ealingmencap.org.uk

Hounslow Travel Training –

Lyndsey Smyth, Lyndsey.smyth@ealingmencap.org.uk

Ealing Advice Service –

Matthew Coulam, matthew.coulam@ealingmencap.org.uk

Inclusion, Influencing and Participation –

Annemarie Braganza-Hawkins,

annemarie.braganza@ealingmencap.org.uk