

3 Complaints Procedure

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Introduction

This section provides the information for centres to create a complaints procedure which meets advice^{UK} membership criterion.

A model procedure is also included. It has been devised to provide you with an idea of what a complaints procedure should cover, and also enable you to adopt the model and adapt various aspects to reflect your centre and the values within which you operate.

If you already operate a complaints procedure you should use this section to establish if your current procedure will meet advice^{UK}'s membership requirements.

Why operate a Complaints procedure?

advice^{UK} centres provide services to the public or to advice centres/local groups. Any service provider needs to operate a complaints procedure to ensure that they are alerted to problems, can offer redress for any substantiated complaint and revise practices in response to the feedback received.

Complaints provide the service user with a form of redress if they are not satisfied with the service received. Complaints are useful feedback to the centre about problem areas of service delivery and can help the centre identify issues and improve practices.

Complaints should be viewed as a positive opportunity to think through and address problems. Whilst a complaints procedure should not be the only monitoring that the centre operates it is nevertheless an important indicator of what the users think of the service. Do not think that receiving no complaints at all is a sign of success - it can be quite the opposite. Not all of the users of the centre will be fully satisfied with the service they receive and you should know if this is the case. Sometimes not receiving complaints is an indication that the system you operate for complaints isn't working or is not understood. It is the centre's responsibility to ensure it is understood.

What matters fall under a complaints procedure?

The complaints procedure relates to service delivery and complaints are likely to be about the following:

- ▶ Aspects of service policy e.g. if you choose to target your services at tenants rather than landlords and a landlord complains.

- ▶ Aspects of service delivery e.g. you do not offer a minicom service and a user complains that they are not able to access advice by phone.
- ▶ Discrimination e.g. a user feels that the advice worker did not recognise or identify that their dismissal from work could be affected by the employer's homophobic attitudes.
- ▶ Quality of advice e.g. a user returns to say that the advice they received was not accurate.

What matters are not to be dealt with via the complaints procedure?

Some complaints relating to the quality of advice may give rise to a professional indemnity claim - especially if there is a suggestion that the centre gave incorrect or incomplete advice. Refer to the Professional Indemnity Guidance Notes at the end of this section.

Your complaints procedure should only relate to the services the centre has a responsibility for. So, if a free legal session is held at your premises and the solicitors are not associated with the centre then any complaint about the session will be directed at the session organisers not at the centre.

The complaints procedure deals with formal complaints. Some users of the service may wish to draw a matter to your attention but will not want to formally complain. You may choose not to use the complaints procedure for such comments but think of recording these comments elsewhere as they may provide you with useful guidance and information you need to help address the problem e.g. a funding application to increase your opening hours if you have lots of requests to provide an advice session in the evening.

Issues to be thought through

WHO WILL BE ULTIMATELY RESPONSIBLE FOR THE COMPLAINTS PROCEDURE?

Procedures are organisational tools and the ultimate responsibility for implementing them rests with the Management Committee. Take steps to ensure that the Management Committee is familiar with the procedure and actively monitors its operation.

WILL THERE BE DIFFERENT STAGES IN YOUR PROCEDURE?

It is good practice to have several stages in a complaints procedure so that the users can take their complaints to a higher level if initially dissatisfied.

For the centre, it is useful to involve different people at different stages so that they take a fresh look at the complaint - though this will involve you keeping those people involved at a latter stage away from the early stages of the complaint. It also provides a number of opportunities to resolve the issue.

The procedure will become more formal as you go through each stage:

- ▶ The first informal stage will usually be dealt with by staff unless the complaint relates to a senior staff member.
- ▶ The second stage could involve the Manager/Co-Ordinator of the centre or a Management Committee member.
- ▶ The third stage will involve a panel of committee members not previously involved and at this stage you can include an external person acting independently.

WHO WILL DECIDE WHETHER THE COMPLAINT IS JUSTIFIED AND WHAT ACTION SHOULD BE TAKEN?

Your first step should be to identify any potential conflicts of interest:

- ▶ If the complaint concerns a member of staff or the Management Committee you will need to limit the number of staff dealing with the complaint to ensure a degree of confidentiality.
- ▶ A complaint may sometimes identify potential misconduct by a member of staff that would be dealt with via the disciplinary procedure. Keep the disciplinary and complaints procedure separate - but also remember that the user has made a complaint regarding the service provided by the centre. S/he is entitled to make a complaint independent of whether or not disciplinary action is appropriate.
- ▶ If the complaint involves another party, such as another advice centre you work with or the local authority, you should make sure that no-one connected with either organisation takes any part in considering the complaint.

Make an initial assessment of how potentially serious the complaint is:

If it is likely to lead to a professional indemnity claim ensure that the complaints procedure is not activated and that you follow the guidance provided with this briefing.

If the complaint is likely to lead to a financial claim, either covered by insurance - such as public liability - or against the centre's funds, you should seek initial advice from your insurance company and alert the Management Committee.

Even in the most obvious of cases the person dealing with the complaint may find it useful to test out their response with other people such as the staff team, Manager or a member of the Management Committee.

If you think you would benefit from advice from an external body, contact advice^{UK}.

To action the complaint you will need to decide the following:

- ▶ Who will read through the papers?
- ▶ Who needs to interview any staff who may have relevant knowledge?
- ▶ Who will see the complainant?
- ▶ Who will be involved in the decision-making?
- ▶ How the complaint will be registered?

What should the decision cover?

- ▶ Whether or not the complaint is justified
- ▶ The reasons of the person(s) dealing with the complaint
- ▶ The redress that will be offered to the complainant e.g. apology, additional help, compensation.
- ▶ What action should be taken to avoid the same problem reoccurring.

These decisions should be recorded in writing.

The Management Committee should receive reports which monitor the number of complaints and how they are dealt with.

TIME LIMITS

You will find it useful to set time limits for each stage of the complaints procedure. This will provide the centre with target times for completing investigations at the various stages and informing the complainant of the outcome.

WHERE TO GO WHEN THE PROCEDURE IS EXHAUSTED

There may be instances where the user is not satisfied with your response and every stage of the complaints procedure has been exhausted.

You can create the right to a review conducted by an independent body. The centre will need to make arrangements for someone not connected to the centre to act as final arbitrator.

This final review should be confined to reviewing the process and the decision of an independent arbitrator is final.

advice^{UK} are willing to act in this capacity for member centres. Our review would be confined to:

- ▶ Establishing that the complaints procedure operated by the centre has been followed.
- ▶ Ensuring that the complaint has been dealt with fairly.

RIGHTS FOR THE COMPLAINANT

Ensuring that the complainant is able to participate in the process starts with how you publicise your complaints procedure:

- ▶ You should display posters informing users of their right to complain and how to do so.
- ▶ There should be written guidance on how to make a complaint and both this and the posters should be available in the languages spoken by users of the service.
- ▶ A complainant should be given the right to have support or assistance from a friend. You should consider providing assistance - from someone outside of the organisation for users who may experience difficulty with the procedure in the absence of the user being accompanied.

Ensure that any time limits you set ensure that the user receives prompt acknowledgement of their complaint and receives a written decision once the process is completed which gives reasons and says what further steps the complainant can take if s/he is not satisfied with the outcome of the complaint.

Model Complaints Procedure

The following model procedure is also available in Word format via e-mail to assist you in developing your own policy. If you would like to receive this please send an e-mail to membership@adviceuk.org.uk.

Our instructions to help you understand the model are denoted by a ➔ symbol - these pieces of text should be deleted from your finished policy. If you adopt the model you should replace "THE ORGANISATION" with the name of your own centre.

Statement

➔ **Start with a statement which encapsulates the aims of the complaints procedure:**

We will display the following statement in the centre:

THE ORGANISATION aims to provide service of a standard acceptable to all our users. If we fail to do this we want to know about it. This will enable us not only deal with the specific problem, but also avoid it happening again.

➔ **Ensure your statement provides details of how a complaint can be made.**

This complaints procedure sets out how to take up matters if you think the service you have received from THE ORGANISATION is unsatisfactory.

➔ **Explain how clients can obtain a copy of the complaints procedure (delete as appropriate)**

Ask the receptionist for a leaflet/ Ask the adviser who sees you for a leaflet/ Please take a leaflet/ If you would rather talk to someone about the complaints procedure please ask the receptionist/ adviser who sees you.

➔ **Ensure your complaints procedure is accessible e.g..**

This statement will be displayed in [state languages].

Introduction

➔ **This section should define what the procedure is meant to cover**

This policy sets out the procedures THE ORGANISATION will follow when we receive a complaint from users of the service, an organisation or member of the public. It does not address complaints made by staff or volunteers (dealt with through grievance and disciplinary procedures) nor job applicants (recruitment procedure).

This procedure is meant to provide a means to resolve a dispute between THE ORGANISATION and any complainant. It requires staff and management committee members at every stage to resolve the complaint. Complaints are likely to be in one or more of the following areas:

- ▶ *dissatisfaction with our service, such as inadequate work, problems with casework, unacceptable delay or failure to deliver a service etc.*
- ▶ *disputes between user and the organisation regarding policy, procedures or activities.*
- ▶ *discourtesy or unhelpfulness on the part of staff.*

The Procedure

➤ You should describe the procedure.

When someone wishes to register a complaint, the following procedure should be adopted. Where the complaint is against the Manager, the same procedure will be followed, but with the Chair of the Management Committee substituting for the Manager's role at all stages.

Preliminary stage

The complaint should be received either via completion of a complaints form or by a request to make a verbal complaint.

Stage 1

The complainant should be invited to discuss the complaint with the Line Manager, the member of staff dealing with complaints and the Manager. This can be done in person or by phone, whichever is appropriate. The Line Manager should keep a record of the conversation on the complaints monitoring sheet. The Line Manager will endeavour to resolve the matter.

If the complainant remains dissatisfied, or where it is not possible to use Stage 1 above (for example if it is not convenient for them to phone or visit the office) then refer to Stage 2 below.

➤ Define your time limit.

Stage 1 should be completed within 5 working days of receiving the complaint.

Stage 2

The complainant should be asked to put their complaint in writing to the Manager, marked Private and Confidential, providing as much detail of the complaint as possible.

If the complainant is not able to put their complaint in writing the complainant will be offered an interview with the Manager or her/his nominee. The role of the Manager or nominee at this meeting will be confined to putting the complaints in writing, obtaining the complainant's approval for the contents of this, and asking the complainant to sign to indicate they agree with the contents. The complainant may choose to work with a third party at this stage and throughout the process - the centre should provide a list of potential advocates if the complainant does not have a resource they can turn to.

The Manager will then investigate the complaint and attempt to resolve it.

The Manager may delegate any aspect of the investigation to a nominee.

If the complaint involves a member(s) of staff the Manager should offer the opportunity for the member of staff to put forward their account, either by written statement or by presentation to the Panel.

➔ Define time limit for Stage 2.

The Manager will ensure that all complainants receive a response in writing within 10 working days of the letter/complaint notes being received. This letter will summarise what investigation have been carried out and what action, if any, is proposed to resolve the matter. A copy of this letter should be attached to the complaints form.

If a response by letter is unsuitable, the complainant will be offered an interview with the Manager to provide the response verbally. This meeting should be held within 10 working days as before. A written record of this interview will be kept and signed by the complainant.

If the complainant is not satisfied at this stage they should ask for the matter to be dealt with under Stage 3 of the complaints procedure.

Stage 3

Where the matter is not resolved by stage 2, the Manager should immediately refer the complaint to the Management Committee Complaints Panel, sending copies of all written correspondence to Panel members.

The complaints Panel will comprise of the Chair of the Management Committee and the designated Complaints Officer. The Complaints Officer will be responsible for convening the Panel and one other Management Committee member - in the absence of the Chair, the Vice Chair will become the convenor.

The complainant will be informed immediately by the Complaints officer, or Chair, that this is being done and that the Panel will also be contacting the staff member (s) against whom the complaint is made.

The panel will review the decision made at Stage 3 and may seek further clarification from any of the parties involved.

➤ **Define the time limit for Stage 3.**

The Complaints Panel will notify the complainant of its reasons and decision within 15 working days of having received notice of the complaint. The Panels decision will be final. The Complaints Officer responsible for ensuring records of the meeting are kept and the Complaints monitoring form is completed.

The Complaints Officer will be responsible for reporting the Panel's findings to the next meeting of the Management Committee.

Stage 4

➤ **If you wish to include the right to take the final decision to arbitration include a further stage.**

The complainant will be notified that if they remain unhappy with the decision the complaint can be passed to _____ for arbitration.

The arbitration will be confined to the following:

- ▶ *establishing the complaints procedure has been followed.*
- ▶ *ensuring that the complaint has been dealt with fairly.*

Recording and Monitoring Complaints

All complaints will be recorded and kept on file, including those, which were resolved without being put in writing. The Complaints Monitoring Form shall be used to do this. All complaints shall be treated with regard to the Confidentiality policy.

The Manager will make a report once a year to the Management Committee summarising the nature of complaints received and how they were resolved.

Publicising the Procedure

The Manager is responsible for ensuring that posters and leaflets are displayed in the waiting area and interview rooms welcoming complaints from users, and that the posters and leaflets clearly explain the procedure for making the complaint.

The Manager is responsible for ensuring complaints leaflets are available at all outreach session and on home visits.

Ensuring the Effectiveness of the Procedure

All Management Committee members will receive a copy of the complaints procedure.

Existing and new workers will be introduced to the complaints procedure via induction and training. The procedure will be reviewed annually and amendments should be proposed and agreed by the Management Committee.

Date procedure was agreed: _____

Date of review: _____

Person responsible for review: _____

Complaints Procedure Checklist

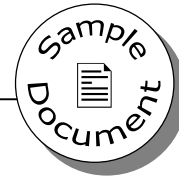
Does the procedure ensure that:

- You display posters/leaflets describing the procedure in appropriate formats/languages?
- Users have the choice of complaining in writing, in person, or by telephone?
- Users are clearly told who to make the complaint to?
- You set a time limit for acknowledging the complaint?
- Assistance (outside of the centre) is offered to complainants?
- If the complaint is against a worker or Management Committee member, they will not be included in the investigation process (other than to give their side of events)?
- The investigation is described?
- There are several stages to the process and that the final panel are not involved in earlier stages?
- Users are clearly informed about the outcome of the investigation?
- You tell users how they can take the matter further if they are not happy with the outcome?
- There is provision for final arbitration?
- There is a central record of all complaints?
- Complaints are monitored and analysed at regular intervals by staff or Management Committee?
- All staff and Management Committee members are made aware of the procedure through induction, supervision and training?
- There is a named individual responsible for regularly reviewing this procedure?
- The date of when this procedure was written or last reviewed is specified?

Sample Documents

Once you have read through this section you may decide to introduce/revise documentation relating to the complaints policy.

- ▶ You may wish to devise a leaflet explaining your complaints procedure.
- ▶ You should certainly have a complaints form (sample below).
- ▶ You should also keep a register, which can be used by staff and management committee to monitor complaints (sample on the following page).



Anytown Advice Centre

Complaints Form

If you wish to complain about the service you have received from Anytown Advice Centre, please fill in the following and return the form to us.

Please tell us the details of your complaint

Please tell us what you feel should/should not have happened.

Please tell us what you would like us to do now.

Your name: _____

Your address: _____

Your telephone no.: _____

Is it all right to contact you here? Yes No

Thank you for completing this form.

You will receive a response in _____ working days.



Complaints Procedure - Record of Complaints

Date	Ref No.	Complainant's Name and Address	Brief details of complaint	Brief details of Resolution	Complaint Medium				Lead worker
					By Phone	In person	By question	In writing	

Professional Indemnity Guidance Notes

If you receive a complaint from a client regarding incorrect or incomplete advice or an error or omission that could lead to the client suffering a financial loss, this is a potential Professional Indemnity Insurance claim and should not be dealt with under your complaints procedure. You should refer the matter to the company that provides your Professional Indemnity Insurance cover and await their instruction on how to proceed.

Professional Indemnity Insurance covers the advice you give to users of the service. The professional indemnity insurance scheme that advice^{UK} offers for its members provides cover for the financial consequences of:

- ▶ Breach of Professional Duty
- ▶ Dishonesty
- ▶ Libel and Slander, committed in good faith
- ▶ Loss or Damage of documents

Check your policy if you obtain your professional indemnity insurance from another company.

A POTENTIAL CLAIM - WHAT ARE THE DANGER SIGNS?

- ▶ A letter of complaint from a dissatisfied user alleging neglect, error or omission
- ▶ A verbal complaint or a threat of “taking the matter further”
- ▶ Noticing that an error has been made, even if you haven’t yet had a complaint

IN THE EVENT OF A CLAIM

If a user visits the centre and says they wish to make a complaint that concerns a potential claim, decide how you will deal with it. Will the adviser concerned deal with the issue or should all potential claims be referred to the Manager or a Senior worker?

Whoever deals with the issue should:

- ▶ take care not to discuss any details of the potential claim with the client. Neither should they admit liability;

- ▶ explain that they should seek advice from another advice centre so that the issue can be resolved, and that the centre is unable to advise them any further at this stage (do not offer any further information than this);
- ▶ notify the centre's insurance company immediately they become aware of a potential claim. Any delay in notifying the insurers could result in them refusing to cover the claim;
- ▶ pass any correspondence received from a third party onto your insurance company. Do not acknowledge receipt in any way. Do not get involved in correspondence that provides details or admits liability.

Remember. Your insurers may refuse to cover a claim if you

- ▶ Delay notifying them
- ▶ Admit liability