

### Introduction

This policy relates to complaints made against Derbyshire Mind, its Trustees, employees or volunteers.

Derbyshire Mind strives towards creating a culture within the organisation which encourages people to:

- speak up if they think that something is wrong
- listen to other people's opinions and complaints
- look for solutions to problems rather than apportion blame
- work together to improve what we do

We will work to ensure that people have a range of ways in which they can comment about our services and be supported in raising concerns informally. However, we acknowledge that people have a right to make a formal complaint and this policy aims to outline for staff, volunteers, trustees and people who use our services, how we will manage that process. Every effort will be made to try and resolve any problem as soon as possible but if it is necessary to take matters further this will be done in line with our complaints procedures below.

### Principles

The opportunity to make a complaint or grievance is an essential right for people who use any service Derbyshire Mind provides. Complaints can be a valuable way of evaluating and improving our services and ensuring that they are responsive to people's needs.

Derbyshire Mind aims to ensure that our complaints procedure is speedy, effective and easily understandable. We will ensure that people are made aware of this policy, have access to it and our complaints leaflet. We will ensure that staff and volunteers are aware of the complaints procedure so that they can give information to anyone who asks about making a complaint.

If someone makes a complaint we will ensure that they are clearly informed of the progress of their complaint, how we propose to resolve any problems and keep them informed. We will make every effort to ensure that the process is accessible to them and accommodate any difficulties they have in communicating their complaint.

Derbyshire Mind recognises that a person may find making a complaint difficult and it can be stressful. Appropriate assistance will be given and at any stage the person can seek the help of a friend, relative or independent advocate. As it may not be appropriate for a Derbyshire Mind advocate to offer this support we will provide information about any other advocacy services that are available for this if requested.

A complaint can also be stressful for a person against whom a complaint is made. It is important that they also receive assistance and support and we will give them a full opportunity to answer any criticisms.

If a complaint has a financial or legal consequence for Derbyshire Mind we may be required to seek advice from our insurers or legal advisors. In such circumstances it may be necessary for us to cease direct contact with the complainant and refer them to another agency for support and advice.

Derbyshire Mind will deal with complaints sensitively and confidentially, respecting both the confidentiality of complainant and any person who is being complained about. However, in some circumstances, for example under our Confidentiality Policy, or in order for us to properly investigate and take actions as a result of the complaint, it may not always be possible for us to keep everything confidential. If we do have to breach confidentiality we will always seek permission for this but recognise that if the risk is great we may have to act even if permission is withheld. We will always keep people informed about this and support them where we can.

Ideally any complaint should be made within 3 months of the incident/ situation that a person is unhappy about. This is to ensure that we can carry out a proper investigation and have enough information at hand to deal with the matter fully.

The number and type of complaints will be reported to the Trustees of Derbyshire Mind and we may also be required to provide National Mind or funding agencies with a report on complaints as part of their evaluation of our services. Specific details about complaints will not be shared with Trustees or any other, unless they are involved in stages of the complaints procedure.

[Guidance notes on Dealing with Complaints](#) are available for staff and people investigating complaints to provide additional information on managing the complaints procedure.

## Derbyshire Mind Complaints procedure

### 1st Stage

Informal Discussion: We will make every effort to listen carefully to anyone who has a complaint and discuss their concerns. The service manager, team leader or senior practitioner may be asked to help to resolve the matter informally. If a person is happy and wants to deal with the matter informally we will feed the general concerns into reviews and evaluation of services so we can make any improvements necessary.

If the matter is not resolved informally the second stage should commence.

We will ensure that the person is offered a copy of our complaints leaflet, provided with information about the process and advise them as to whom they should make the complaint to and how to contact them if they wish to raise the matter formally. We will offer to help them contact that person if they wish.

If someone wishes to make a complaint they should know who to contact, and how to contact them, within 5 working days of them approaching Derbyshire Mind. It is the responsibility of the person who is first contacted at Derbyshire Mind to ensure this happens.

## 2<sup>nd</sup> Stage

A formal complaint in writing should be sent as follows:

- a) A complaint about a member of staff, volunteer or specific service should go to the lead for this service as follows (Community Advocacy – Team Leader, Statutory Advocacy – Senior Practitioner, Enjoying Derbyshire – Corporate Administrator)
- b) A complaint about a service lead should go to their nominated line manager or in their absence a member of the Operational Management Team
- c) A complaint about the Corporate Administrator or Finance Manager or about Derbyshire Mind in general should go to the Chief Executive
- d) A complaint about the Chief Executive or a trustee should go to the Chair of Board
- e) A complaint about the Chair of the Board should go to the Chief Executive for the attention of the Trustees (see section Complaint against Chair or Board of Derbyshire Mind)

The appropriate person who receives the complaint will:

- keep a written record of the date, details of the complaint and contact details of the person making the complaint.
- ensure that the complaint falls under the remit of this policy. That it is about a person who works for us, a particular event, a particular service or something that is Derbyshire Mind's responsibility.

If the complaint is not covered by our procedure the complainant must be informed of the reasons why we cannot investigate the matter and be supported or signposted to direct their concern to a more appropriate place if appropriate.

If the complaint is covered by our procedure the matter will be investigated as swiftly and fully as possible, if necessary or appropriate another manager may be appointed to do this.

The person **investigating** the complaint will:

- Respond to the complainant within 5 working days. This may only be an acknowledgement of the receipt of the complaint, and may have been made verbally when the complaint was made.
- Pay attention to maintaining confidentiality and making a record of all actions and findings throughout the whole process.
- Aim to report the findings to the complainant and relevant members of staff within four weeks. If it is not possible to do this the complainant will be informed of the reasons why extra time is needed.
- Report the substance of the complaint to the Chief Executive, or Chair as appropriate, so that they are aware of the matter and any issues that it touches upon can be reviewed to improve the services that we offer.

If the complainant is unhappy with the results of this they can ask for the complaint to be referred to the 3<sup>rd</sup> Stage.

The request should be made in writing to the Chief Executive, or Chair of Derbyshire Mind (as appropriate) Derby West Business Centre, Ashbourne Road, Mackworth, Derby DE22 4NB

### **3<sup>rd</sup> Stage**

On receiving the complaint the Chief Executive / Chair will decide whether the complaint should proceed to this level. If s/he deems that it should, they will reinvestigate the complaint. If appropriate they may choose to set up a panel to consider the complaint. The panel will generally consist of three Trustees, but the Chief Executive / Chair may replace one or more of the Trustees with people independent of Derbyshire Mind, if appropriate (for example, if the complaint is against a Trustee). The panel will aim to meet within 28 days, although this may take longer in complicated cases.

The panel will invite to the meeting the complainant and the person or persons against whom the complaint has been made. Any such person may be accompanied to the meeting by a friend or supporter, or by an independent advocate who is not employed by Derbyshire Mind.

The panel will report their decision and any recommendations in writing to the complainant and to any persons against whom the complaint was made within three days.

The Board of Trustees is the final adjudicator of internal complaints.

### **4<sup>th</sup> Stage**

If the complainant remains dissatisfied after the 3<sup>rd</sup> Stage they have the right to go to seek legal redress or direct their complaint to an appropriate ombudsman. Efforts will be made to suggest who may be able to help and to contact independent advocacy support for this if it is available.

### **Complaint against Chair or Board of Derbyshire Mind as a whole**

Informal resolution of the complaint may be attempted through a meeting between the complainant and the Chair (1<sup>st</sup> Stage). If this fails stages 2 to 4 of the procedure will not apply. Instead the Chair of another local voluntary organisation or another Mind local association or a person of similar experience, unconnected with Mind, will be asked to investigate the complaint and make recommendations. If the complainant is not satisfied with the decision of the investigator and any action taken as a result of the recommendations made, they should contact National Mind for advice.

### **Record Keeping and Privacy**

Records of complaints and investigations will be kept securely for one year from the date they have been concluded, unless we have been legally advised otherwise.

### **Implementation and Monitoring**

The monitoring of this policy and its implementation is the responsibility of the Operational Management Team.

The Corporate Administrator is responsible for reviewing complaints on an annual basis and will provide briefings for Trustees, paid staff and volunteers as necessary so that they understand the implications of the policy for their work.