

<p><b>COMMENTS, COMPLIMENTS AND COMPLAINTS POLICY &amp; PROCEDURE</b></p>
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**What is a complaint?**

A complaint is an expression of dissatisfaction, either written or spoken. A complaint can be made by an individual or a group. You may wish to complain if you are not satisfied with the way you have been treated or the service you have received from Mind in Harrow.

At Mind in Harrow, we welcome comments and compliments on our services from all those who use them and from carers. We also recognize that from time to time things may go wrong and we welcome expressions of concern or complaints so that we can rectify any difficulties and prevent the same problem happening again.

**Comments and Compliments**

Please address your comments on a service or compliment on an event, a staff member or volunteer to the person concerned and, if you would like, to their manager or the Chief Executive. We are delighted if you want to give us feedback.

**Principles of Mind in Harrow's complaints procedure**

Mind recognises that compliments and complaints are an important part of feedback to the organisation.

- All complaints will be investigated fully and fairly.
- We will deal with your service complaint promptly.
- You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff and volunteers with the same courtesy, respect and fairness.
- Mind in Harrow will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of Mind in Mind's Confidentiality Policy. If a complaint is to be properly investigated and action taken as a

result of the complaint, it may not always be possible to avoid a breach of confidentiality. The permission of the complainant will be sought for this but when the welfare of the complainant or other people is seriously at risk it may be necessary to breach confidentiality even if that permission is withheld.

- If the complainant is not happy with the result of the response to the complaint, she or he will have the right to appeal.
- We are committed to ensuring that its services are of the highest quality. The complaints procedure enables Mind to respond clearly and properly to complaints and to know when and why people are not satisfied with its services, so that it can improve them.
- We will make reasonable adjustments to enable you to make your complaint and we will not treat you less favourably than anyone else because of your:
  - sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
  - sexual orientation
  - colour or race: this includes ethnic or national origin or nationality
  - disability
  - religious or political beliefs, or trade union affiliation
  - any other unjustifiable factors, for example language difficulties, age, pregnancy and maternity.

### **Who can make a complaint?**

This procedure is for members of the public who have received a service from Mind in Harrow, the people caring for them (eg family member, partner or friend) or staff from other organisations. This procedure does not cover complaints made by Mind staff, volunteers and trustees who need to follow agreed grievance, disciplinary or other internal procedures.

Mind in Harrow's funders and contractors need to follow the procedures for complaints or disputes laid out in our contracts, grants or other funding arrangements.

### **When can a complaint be made**

Complaints must be made to Mind in Harrow within six months of the date of the incident or concern arising.

## **How to make a complaint about Mind in Harrow:**

If you have a complaint about a service, an event, a staff member, volunteer or other issue, there are four stages that you can go through to try and resolve the problem. You may wish to involve an advocate, friend or someone else to support you at any stage.

### **Support to make your complaint**

If you are disabled, including long-term mental health problems, and need a reasonable adjustment to ensure you can register your complaint, you can contact us alternatively by telephone to our reception/helpline on 020 8425 0929 to asking a member of staff to help you in writing out your complaint. If you require different adjustments, let us know and we will try and put those arrangements in place where we can. For example, if you need a sign language or community language interpreter, please let the person dealing with the complaint know and we will make every reasonable effort to provide it.

### **The four stages are:**

#### **Stage one (Informal Discussion)**

Most complaints will be dealt with at this stage. You will be encouraged to meet with the person(s) you have a complaint against and to talk through the issue with them. As an alternative, you could speak to their line manager. The individual concerned is required to tell you their name and who their line manager is, if you ask them.

We expect your complaint to be discussed informally to attempt to resolve the issue before progressing to stage two. This stage may be by-passed if:

- (a) you feel unable to talk with the person(s) you have a complaint against or
- (b) the person(s) you have a complaint against refuses to meet with you.

#### **Stage two (Formally registering a complaint)**

If you are not satisfied with the response you have received at stage one (informal) you should then use stage two of this procedure.

1) Please outline the details of your complaint by letter, fax or email and send it to the Chief Executive (CEO), Mind in Harrow, First Floor, 132-134 College Road, Harrow HA1 1BQ or [m.gillham@mindinharrow.org.uk](mailto:m.gillham@mindinharrow.org.uk). If your complaint is about the

CEO, please post it to the above Mind in Harrow address for the attention of the Chair of the Board of Trustees (marked private and confidential).

It would be helpful if you could include in your formal complaint information: the nature of the complaint, the time, date and location of any incident(s), whether there any witnesses and what outcome you are seeking from your complaint.

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

- Name, address and telephone number of the person who will investigate the complaint.
- The date the investigation will start.
- What support you can receive during the process of the complaint to apply reasonable adjustments, e.g. in terms of making information accessible, using interpreters etc.
- How long we expect the investigation to take.

2) You will receive a full response to your complaint within timeframe stated on the acknowledgement letter in writing from the person appointed to investigate the complaint. The response will include the following information:

- Details of the investigation.
- A decision about whether the complaint was upheld or not.
- The reason for the decision.
- The redress, if appropriate, which will be offered to you e.g. an apology, additional help or directing to other sources of advice or support.
- Any other action that may be taken in light of the complaint. Please note that some actions may only be provided in outline because of the right to confidentiality of other individuals.

If it is not possible to provide a full answer to your complaint within the stated timeframe, we will send you a letter outlining reasons why and giving a date by which a full answer is expected.

### **Stage three (Appeal)**

1) If you are not satisfied with the response to your complaint then outline the reasons for your dissatisfaction with any additional evidence by letter, fax or email and send it to the Chief Executive

(CEO), Mind in Harrow, First Floor, 132-134 College Road, Harrow HA1 1BQ or [m.gillham@mindinharrow.org.uk](mailto:m.gillham@mindinharrow.org.uk). If your complaint is about the CEO, please post it to the above Mind in Harrow address for the attention of the Chair of the Board of Trustees (marked private and confidential).

2) An Appeals Panel, normally of three members, including a trustee, will be convened to consider your appeal. The Chair of the Board of Trustees will be responsible for ensuring the panel is appropriately representative. Panel membership will be restricted to people who have had no previous involvement in the complaint

3) Members of the Appeals Panel:

- Will read through the necessary papers
- May speak to relevant individuals involved with the complaint if deemed necessary
- Will make a final decision.

4) The chair of the Appeals Panel will write to you within a reasonable timeframe from the date of receiving the appeal to confirm:

- the final decision about the complaint
- the reason for the decision
- the redress, if appropriate, which will be offered to you e.g. an apology, additional help or directing to other sources of advice or support
- any action that may be taken in light of the complaint. Please note that some actions may only be provided in outline because of the right to confidentiality of other individuals.

#### **Stage four (Review of the process)**

1) If once you have been through stages one to three of the complaints procedure, you are not satisfied that Mind in Harrow has followed the process properly and dealt with your complaint fairly (e.g. by giving you insufficient opportunity to represent your view or ensuring all the relevant people are involved in the investigation), then you have the right to outline the reasons for your dissatisfaction to request a review of the complaints handling process, not a further investigation of the complaint.

Please provide your request for a review of the complaints handling process by letter, fax or email and send it to the Chief Executive (CEO), Mind in Harrow, First Floor, 132-134 College

Road, Harrow HA1 1BQ or [m.gillham@mindinharrow.org.uk](mailto:m.gillham@mindinharrow.org.uk) or if your complaint is about the CEO, please post it to the above Mind in Harrow address for the attention of the Chair of the Board of Trustees (marked private and confidential).

2) The CEO or the Chair will make arrangements for a review of the complaint handling process by someone independent of the process, and will inform you of how the review will be carried out in writing within a reasonable timeframe from receipt of your request.

3) The decision of the process review will be final. The Chair or CEO will communicate in writing within a reasonable timeframe from receiving your request for review:

- whether or not the procedure has been followed properly and fairly
- the reason for the decision
- the redress, if appropriate, which will be offered to you e.g. an apology,
- additional help or directing to other sources of advice or support
- what action may be taken in light of the review. Please note that some actions may only be provided in outline because of the right to confidentiality of other individuals.

### **Time limits**

In circumstances where time limits cannot be met due to unforeseen

circumstances, complainants will be notified in writing. The reasons for the delay with adjusted timescales will be supplied by the person responsible for handling the complaint.

### **Extending time limits**

We aim to complete our investigation into all complaints received within the timescale stated on the complaint acknowledgement letter. However, in a limited number of cases - for example, if a complaint is unexpectedly complex or owing to staff sickness, it may be necessary to extend the time limit to ensure we have all the information necessary to deal with it. If this is the case we will keep you informed of progress with the investigation, the reasons for the delay, and inform you of next steps.

## **Vexatious or repetitive complaints**

We sometimes receive complaints which can be deemed 'vexatious' or 'repetitive'. Some of these complaints can be costly to handle; or responding to them may be a disproportionate use of our staff's time.

Deciding whether a complaint is vexatious requires us in each case to take into account the context and history of the complaint. We will consider whether the complaint is likely to cause unjustified distress, disruption or irritation. In particular, we will consider the following issues:

- Is the complaint harassing or causing distress to staff?
- Does the complaint appear to be designed to cause disruption or annoyance?
- Does the complaint lack any serious purpose or value?

The concern we will address is whether a complaint is vexatious in terms of the effect of the request on us and not whether the applicant is personally vexatious.

By its ordinary meaning, the term 'vexatious' refers to activity that "is likely to cause distress or irritation, literally to vex a person to whom it is directed".

For a complaint to be vexatious, we will consider whether there is a proper or justified cause for it. We will not only examine the complaint itself, but also its context and history. That context may include other complaints made by the applicant to us (whether complied with or refused), the number and subject matter of the complaints, as well as the history of other dealings between the complainant and ourselves. The effect a complaint will have may be determined as much, or indeed more, by that context as by the complaint itself. The

## **Complaints involving unreasonable behaviour**

We understand that people may act out of character in times of distress or due to frustration. We do not view behaviour as unreasonable just because a complainant is forceful or determined.

Our staff make reasonable allowances for complainants' behaviour. However, sometimes the situation between a complaint and our staff can escalate and the behaviour of the complainant becomes unacceptable, for example becoming abusive, aggressive or threatening. Such abusive, aggressive, threatening or vexatious complaints are in the very small minority but we sometimes find

ourselves in the position where we need to restrict or bring to an end communication and access to our premises or staff.

## **Procedures for responding to vexatious or repetitive complaints and Complaints involving unreasonable behavior**

### Principles

Our staff have the right to undertake their work free from abuse, threats and harassment, or vexatious and repetitive complaints. We expect our staff to be treated with courtesy and respect. Mind in Harrow has a duty to protect the welfare and safety of staff and considers that violence, threats or abuse towards staff is unacceptable. Staff are also expected to treat complainants with courtesy, respect and fairness.

### Definitions

Complainants who harass, or have been abusive, aggressive or threatening on one or more occasions towards our staff - or their families or associates - directly or indirectly, will be considered unreasonable.

Violence includes behaviour or language (written, oral, or in tone or otherwise) that may cause staff to feel afraid, threatened or abused. Examples of unacceptable behaviour includes but not exclusively threats, verbal abuse, derogatory remarks, rudeness, racist, sexist, homophobic, transphobic, disablist or other harassment based on personal characteristic or obscene remarks, repeatedly demanding disciplinary action be taken against staff, and where complainants are known to have recorded meetings or telephone conversations without consent. We also consider that inflammatory statements and unsubstantiated allegations can amount to abusive behaviour.

### Procedures

Any threats or acts of violence will cause direct contact with the complainant to be discontinued.

Furthermore, our staff will bring to an end phone calls if the caller is considered aggressive, abusive or threatening. The complainant will first be told that we consider their language offensive or their behaviour unacceptable, and will be asked to stop using such language or behaviour.

If a member of staff considers behaviour to be unreasonable they are advised in the first instance to refer it to their line-manager or the duty manager who may seek advice and guidance before determining future contact with the complainant, be that by telephone, in person, or electronically.

Where complaints are deemed vexatious, the complainant will be notified in writing that no further correspondence will be entered into on the matter in question. Mind in Harrow will initially keep one channel of contact open so that there is not a 'blanket ban' on contact for any individual.

Where unreasonable or abusive behaviour is determined, the complainant will be notified in writing that no further contact will be undertaken, and this will apply to all Mind in Harrow contacts. A copy of this policy will be included and, if and where appropriate, a no-contact period specified. If further contact is necessary, the complainant will be informed that it will be made through the Chief Executive or their nominated senior member of staff. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

If you disagree with a decision made by Mind in Harrow to regard your behaviour as unreasonable, you can challenge it. Please refer to this Complaints Policy & Procedure.

All incidents of harassment or aggression will be documented and referred to senior staff. In appropriate circumstances these matters may be referred to the police.

Please see the **Appendix** at the end of this Policy for examples of unreasonably persistent complaints and unreasonable complainant behaviour.

## **Guidance - Mind (National Association for Mental Health-NAMH) Complaints about local Minds**

“If your complaint is about an individual local Mind, then as each local Mind is an independent registered charity you need to:

I. Contact the local Mind directly to explain that you wish to make a complaint and therefore would like to receive a copy of their complaints procedure.

II. Follow the local Mind's complaints procedure as outlined. If you have been through all the stages of the local Mind's complaints procedure, and you are still not happy, you may consider taking the following step:

III. If the local Mind has provision for an independent review of their complaints handling process then you should agree with them a mutually acceptable independent person to review the complaints handling procedure, where appropriate. A member of NAMH staff may act in this role with the agreement of all parties concerned. The role of the NAMH staff member will be confined to a review of the complaints handling process only.”

### **Complaints about Mind (NAMH)**

Members of the public wishing to make a complaint about Mind (NAMH) should follow the Mind (NAMH) Complaints Policy, which available on Mind's website [www.mind.org.uk](http://www.mind.org.uk)

### **Accountability**

The Mind in Harrow Chief Executive is responsible for the efficient operation of this complaints procedure. Responsibility for carrying out investigations of complaints may be delegated to appropriate managers in Mind in Harrow, under the authority of the Chief Executive.

### **Recording and reporting complaints**

The Chief Executive will be responsible for ensuring a record of all complaints is maintained in an agreed format and filed centrally and confidentially. Chief Executive will review complaints on a quarterly basis and will be responsible for collating information about complaints to provide a report to the Board of Trustees on an annual basis with details of the totality of complaints received, main reasons for complaints, outcomes and how any underlying problems have been resolved.

We value your feedback and expect to use it to help us to:

- get things right in the future if we have not done so already
- become more service user focused
- be more open and accountable
- act fairly and proportionately
- seek continuous improvement

We will handle your information so that it is only processed and retained appropriately and legally, in line with data protection legislation.

### Notice promoting the Complaints Policy

Mind in Harrow will display in its reception area the following notice:

You can expect Mind in Harrow staff and volunteers to treat you with courtesy and respect.  
We ask that you treat our staff and volunteers as you would wish to be treated.  
If you are dissatisfied any aspect of our service or how you have been treated by Mind in Harrow, you have a right to complain.  
  
Please ask a member of staff for our Complaints Procedure.  
We welcome your feedback.

Name of Policy/Procedure	Comments Compliments And Complaints Policy And Procedure
Current status (draft, approved)	Reviewed
Last updated	October 2018
Approved by	Board of Trustees
Next review date	October 2021
Signed by:	Katharine McIntosh
Position:	Chair
Date:	12 <sup>th</sup> November 2018

## Appendix: Examples of unreasonably persistent complaints and unreasonable complainant behaviour

Unreasonably persistent complaints and unreasonable complainant behaviour includes what is listed below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category. It may include:

- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure (eg parking ticket and planning appeals)
- refuse to accept that issues are not within the power of the Mind in Harrow to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
- deny statements he or she made at an earlier stage in the complaint process Mind in Harrow policy on dealing with 'unreasonably persistent' complainants and 'unreasonable complainant behaviour'

- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- complain about or challenge an issue based on a historic and irreversible decision or incident
- combine some or all of these features.