

**NORTH KENT MIND
COMPLAINTS POLICY AND PROCEDURE**

Definitions

A **Complaint** is an expression of dissatisfaction, made by a person who uses the services, by a member of the public, or by an outside body, about the behaviour of the organisation, or an individual staff member or volunteer within it. In certain circumstances a service-user might be the subject of the dissatisfaction that gives rise to the complaint, where North Kent Mind has some accountability for the situation – for instance where a service user at a drop-in is harassed by another, or a tenant is abusive to neighbours. An expression of dissatisfaction made by a staff member or volunteer about the behaviour of the organisation, or an individual staff member or volunteer, is a **Grievance**. This is the focus of the Grievance Policy.

Expressions of dissatisfaction made by a supervisor about a staff member or volunteer whom they manage is not generally a grievance, but is a matter for **Disciplinary Action**. This is the focus of the Disciplinary Policy.

Where a staff member or volunteer has serious concerns about the illegal or abusive conduct of the organisation or an individual staff member or volunteer within it, but is unable to use the grievance procedure because the person they should report to is implicated in the malpractice, then they have recourse to the **Whistleblowing** Policy.

Aggrieved Person	Target	Process
Service User	North Kent Mind	Complaint
Service User	Staff/Volunteer	Complaint
Service User	Service User	Complaint if North Kent Mind has some accountability
Member of Public	North Kent Mind	Complaint
Member of Public	Staff/Volunteer	Complaint
Member of Public	Service User	Complaint if North Kent Mind has some accountability
External Body	North Kent Mind	Complaint
External Body	Staff/Volunteer	Complaint
External Body	Service User	Complaint if North Kent Mind has some accountability
Staff/Volunteer (including Trustee)	North Kent Mind	Grievance
Staff/Volunteer (including Trustee)	Superior or Peer Staff/Volunteer	Grievance
Staff	Supervisee	Disciplinary
Staff/Volunteer (including Trustee)	North Kent Mind	Whistleblowing if serious illegal or abusive practices are evident and grievance processes are ineffective
Staff/Volunteer (including Trustee)	Staff/Volunteer	Whistleblowing if serious illegal or abusive practices are evident and grievance processes are ineffective

Standards

1. North Kent Mind welcomes complaints because they:
 - Provide an opportunity to bring difficulties to our attention so they can be dealt with before they escalate
 - Enable us to correct misunderstandings about the purpose and role of the organisation
 - Serve as a Quality Assurance system, allowing us to learn from weaknesses and errors, and correct them
 - Demonstrate to our service-users, members of the public, staff and external bodies that we take our work seriously.
2. North Kent Mind strongly supports the view that people making a complaint have a right to be accompanied or supported by a friend or advocate of their own choice at any stage of the Complaints Procedure. The locally relevant advocacy service – seAp – should support any mental health service user in this process, and can be contacted by phone on 0330 440 9000
3. It is the duty of those investigating any complaint to carry out a fair and impartial exploration of the circumstance, reserving judgement until all the facts are clear. Where the investigation involves interviews with staff or volunteers who are implicated in the complaint, and which are of a more substantial nature than an initial fact-finding exploration, then the staff member or volunteer has the right to be accompanied by any supporter of their choosing. Any third party or witnesses, should be told that a complaint is being investigated, be told the nature of the complaint, and asked to give their own version of the events.
4. Adequate documentation of any investigation of a complaint will be kept in the complaints file: this will include details of the original complaint, the written complaint where this has been given, the log form and other relevant documents including interim correspondence and any statements from witnesses or staff/volunteers involved, and the written response to the complainant by the investigator. Documentation on a logged complaint will be held for a maximum of 5 years.
5. Where investigation of complaints leads to clear actions that need to be taken within North Kent Mind, these too will be recorded on the log sheet.
6. Complainants and others making statements relating to a complaint may see their statements on request and any alterations they wish to make should be recorded, signed and dated.
7. All logged complaints shall be reported to the Quality Sub-Committee as a standing agenda item. Logged complaints shall be analysed annually, and the results presented to the Board as part of its agreed work schedule.
8. North Kent Mind is committed to training staff in the positive approach and proper administration of this complaints policy.

The Procedure

Step 1: An Informal Complaint

1. The complainant raises a point of dissatisfaction with a staff member/volunteer, who should deal with the issue as well as they are able, or direct the complainant to a more appropriate staff member where this is outside their remit.
2. Many low-priority grumbles and signs of discontent will be dealt with in this way, in the course of the normal day-to-day running of the service. The staff member or volunteer should always check back with the complainant as soon as possible after any action has been taken, to see if the matter has been satisfactorily dealt with from their perspective.
3. Staff members should use their own judgement when deciding whether to log informal complaints, and should discuss with their supervisor if they are uncertain. If the complaint is unresolved and likely to lead to a formal complaint, or if the issue or action taken to address the complaint has implications for Mind policies or practice, then it is best to log it.
4. To log a complaint, the staff member notifies the CEO of the details of the issue, and gives the information to the HR Admin Assistant. The HR admin assistant is responsible for logging the complaint, receiving notification from the CEO as to who is investigating it, and tracking progress to ensure time lines are met.
5. The staff member should inform the person making the informal complaint if it has been logged, and thank them for their contribution. Where the informal complaint is unresolved, the staff member will invite the complainant to make a formal complaint, and ensure they have a copy of the Complaints Leaflet, which should be readily available at all places where our work is carried out.

Step 2: Raising a Formal Complaint

6. A complaint is deemed formal if it is put in writing to a staff member or Trustee and either the complainant or the recipient wish it to be seen as a formal complaint. The client can at any time withdraw their complaint or turn an informal complaint into a formal one.
7. On receiving a formal complaint the staff member or Trustee must immediately arrange for it to be logged as in point 4 above.log it as described in point 4 above.
8. The staff member, other than the CEO, receiving the formal complaint must discuss immediately with their supervisor who it is who will investigate the complaint. We consider it good practice for a line manager not to investigate a complaint regarding one of their staff, when from a service user whom they already know. Trustees receiving a complaint must discuss with the CEO who is to investigate. No staff member, including the CEO, can investigate a formal complaint where they are the subject of that complaint. Where the formal complaint is about the CEO or a Trustee, then the Chair will investigate. Where the formal complaint is about the Chair, then a panel of at least two other Trustees will be chosen by the Board to investigate.

9. The person/s investigating the complaint will immediately write to the complainant acknowledging that the complaint has been received, ensuring that the complainant has a copy of the complaints leaflet and this policy, and inform them of the next steps.
10. The investigation should include phone contact or a face to face meeting with the complainant to fully understand their perspectives, unless other factors preclude this.
11. The person/s investigating the complaint must report back in writing to the complainant within 3 weeks of receipt of the original written complaint, depositing all relevant documents in the complaints file. The complainant will be notified that if they are not satisfied with the outcome to the investigation, and wish to take the matter further, they may appeal in writing. Where a panel of Trustees has investigated a complaint against the Chair, there is no further appeal as the highest level of appeal has already been reached

Step 3: Appeals

12. People who are dissatisfied with the response they have received in Steps 1 and 2 have the right to take the complaint to appeal, which involves their writing to the Chief Executive Officer in cases where a staff member has investigated the original complaint, or to the Chair where the CEO was the investigator: where the Chair has investigated a complaint against the CEO, an appeal may be processed by a panel of at least two trustees appointed by the board.
13. The person/s processing the appeal will explore the circumstances of the investigation in order to make a judgement as to how far this was carried out fairly and thoroughly. Only where they deem necessary will they commence a reinvestigation of the circumstances of the complaint itself.
14. The person/s investigating the appeal will write back to the complainant within three weeks (within 5 weeks if dealt with by Trustees or the Chair), detailing their judgment and the reasons for it. Where the appeal has been processed by the CEO, the complainant will be notified that if they are not satisfied with the outcome to this, and wish to take the matter further, they may write to the Chair for a further appeal stage. Where the Chair has processed an appeal of an investigation originally conducted by the CEO, there is no further step, as the highest level of appeal has already been reached.

Raising a Formal Complaint about North Kent Mind to an External Body

15. Only if a complainant has exhausted all the previous steps, and still remains unsatisfied, they may access the appropriate external body to express their dissatisfaction. It is a matter of courtesy to inform North Kent Mind that this step is being taken.

Wellbeing and Employment Services

If the complaint concerns a perceived failure or shortcoming on the part of North Kent Mind with regard to its wellbeing or employment services, complaints may be made to:

KCC Social Services,
Customer Care Manager,
Sessions House,
County Hall, Maidstone,
Kent ME14 1XX.

Housing Services

If the complaint concerns a perceived failure or shortcoming on the part of North Kent Mind to provide appropriate support to tenants, complaints may be made to:

Strategic Commissioning Team
Kent County Council
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

If the complaint concerns a perceived failure or shortcoming on the part of North Kent Mind to carry out its responsibilities as the Housing Association's Managing Agent (these responsibilities are set out in the Tenancy Agreement and the Housing Management Agreement), a written complaint should be sent to:

Agency Services Manager,
Hyde Housing Association,
181 Lewisham High Street
Lewisham
London SE13 6AA

If the complaint concerns a perceived failure on the part of Hyde Housing Association to carry out its responsibilities as the landlord, North Kent Mind will act on the tenants' behalf to go through Hyde's Complaints Procedure.

The Housing Ombudsman may also be able to intervene where tenants have an unresolved complaint about their landlord:

Housing Ombudsman Service
81 Aldwych
London WC2B 4HN
Telephone : 0300 111 3000
Fax : 020 7831 1942
Email : info@housing-ombudsman.org.uk

Counselling Services

If the complaint concerns a perceived breach of ethical practice within North Kent Mind's Counselling Services, the complainant may approach:

British Association for Counselling and Psychotherapy,
BACP House,
15 St John's Business Park,
Lutterworth,
Leicestershire LE17 4HB

Primary Care Psychological Services

If the complaint concerns the PCPT service, the complainant may approach:

British Association for Behavioural and Cognitive Psychotherapies
Imperial House,
Hornby Street,
Bury, Lancashire
BL9 5BN

Commissioning Programme Manager
NHS Swale and NHS DGS
Clinical Commissioning Groups
NHS DGS CCG, 2nd Floor, Gravesham Civic Centre,
Windmill Street, Gravesend, Kent DA12 1AU

National Mind

After the internal complaints process has been exhausted and the complainant believes that the process has not been followed correctly, they are also able to approach the National Body to which we are affiliated: they are contactable at

Mind To Mind
Swan Buildings
3rd Floor, 20 Swan Street,
Manchester M4 5JW

Telephone 0844 481 6020