



MIND IN CROYDON

PROCEDURE FOR DEALING WITH COMPLAINTS RELATING TO SERVICES PROVIDED BY THE ASSOCIATION

A INTRODUCTION

This procedure is principally concerned with complaints made against Mind in Croydon staff, trustees or volunteers. Disputes between service users will generally be covered by one or more of the policies in place for individual Mind in Croydon projects. However, there will be occasions when it will be appropriate to use this procedure to provide a framework for an investigation of a dispute or machinery for an appeal.

B PRINCIPLES

1. The opportunity to make a complaint or grievance is an essential right for all those who use the services provided by Mind in Croydon. Complaints can be a valuable way of evaluating and improving our services and of ensuring they are responsive to the needs and preferences of users.
2. Mind in Croydon's complaints procedure is intended to be speedy, effective and easily understandable. To ensure fairness, any investigation required will be carried out by someone who was not directly involved with the incident relating to the complaint.
3. Mind in Croydon recognises that making a complaint can be difficult and stressful for the person making the complaint. Appropriate assistance will be offered to the complainant. At any stage a complainant may seek the help of an independent advocate and Mind in Croydon will provide information on this on request.
4. A complaint can also be stressful for a person against whom a complaint is made and that person may also need assistance and support. Any member of staff or volunteer against whom a complaint is made will be given the fullest opportunity to answer any criticisms.
5. Every effort will be made to try and resolve any problem as soon as possible with the person concerned. If it is necessary to take the matter further it will be done in line with the procedure described below.
6. Some complaints have or may have financial or legal consequences for Mind in Croydon. In such cases its insurers require Mind in Croydon to cease direct contact with the complainant. It may then be necessary in the interests of the complainant to refer them to another agency both for assistance with the complaint and to ensure that their service needs are met. [See Appendix I: **Procedure for handling complaints which may have financial or legal consequences for Mind in Croydon.**]
7. Mind in Croydon will respect the confidentiality of both the complainant and any person complained about, subject to the provisions of Mind in Croydon's Confidentiality Policy. This states that, 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.

8. The outcome of all complaints and investigations will be reported in confidence to the Board of Directors and in writing to the complainant. A report on Complaints will also be made available to funders of Mind in Croydon's services as part of the evaluation of these services.
9. This Procedure should be read in conjunction with Mind in Croydon's Confidentiality Policy and Harassment Policy, and with the complaints procedures for the particular project concerned in the complaint.
10. Mind in Croydon will make efforts to ensure that every user of its services is aware that this procedure exists. The procedure is described below. Copies of this policy and procedure will be available on request at all Mind in Croydon projects.

C PROCEDURE

1. **1st Stage:** informal discussion with the person concerned. The Project Manager may be asked to help to resolve the complaint informally.
2. **2nd Stage:** a formal complaint in writing should be sent as follows:
Complaint against a member of staff or volunteer: to the Chief Executive
Complaint against the Chief Executive: to the Chair
Complaint against a trustee: to the Chair
Complaint against the Chair: to the Chief Executive, for the attention of the trustees

The person who receives the complaint will carry out an investigation, or, where appropriate, appoint someone else to do so. The investigator will report the results in writing within three weeks to the complainant and the relevant members of staff.

If the complainant or the person about whom the complaint is made is unhappy with the results of this they can then ask for the complaint to be referred to the 3rd Stage. The request should be made in writing to the Chair of Mind in Croydon at 26, Pampisford Road, Purley, Surrey, CR8 2NE.

3. **3rd Stage:** On receiving the complaint the Chair will consult with another trustee to decide whether the complaint should proceed to this level. If they decide it should not, the Chair will write to the complainant explaining why. If they deem that it should, the Chair will set up a panel to consider the complaint. The panel will generally consist of three people, one of whom will be a service user. These will usually all be trustees, but the Chair may replace one or more of the trustees with people independent of Mind in Croydon if appropriate. 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.

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 21 days. The decision of the Panel will be final.

Reviewed and Updated by the Board of Mind in Croydon – February 2016

APPENDIX I:

PROCEDURE FOR HANDLING COMPLAINTS WHICH MAY HAVE FINANCIAL OR LEGAL CONSEQUENCES FOR MIND IN CROYDON: Guidelines for Staff

1. Mind in Croydon has been advised by its insurers that where a complaint appears likely to result in litigation or a financial claim against Mind in Croydon, direct contact with the complainant must cease and all negotiations will be conducted by the insurers.
2. As a guide, the following fictitious complaints are of the type which may have financial or legal consequences for Mind in Croydon:
 - i) A client complains he has lost entitlement to benefit through wrong advice from the Welfare Benefits Advice Service.
 - ii) A Mind in Croydon shop customer claims that she has been hurt by a splinter in a piece of furniture bought from the shop.
 - iii) A Fairfield House member complains that he has suffered food poisoning as a result of food past its 'sell-by' date.

The following types of complaint are unlikely to have legal or financial consequences for Mind in Croydon:

- i) A service user complains of rudeness on the part of a member of staff.
- ii) A counselling client complains of being too long on the waiting list.
- iii) A service user complains that they have been excluded from receiving a service because of the rules in force.

If in doubt consult the Chief Executive

3. Once it is established that financial or legal consequences are likely the Chairman and Chief Executive must be informed. Mind in Croydon's insurers must be informed by telephone and then in writing, usually by the Chief Executive. The complainant should be informed in writing that the complaints procedure is suspended and that any future correspondence will be conducted through Mind in Croydon's insurers.
4. In the case of Welfare Benefits clients, or other clients where a complainant's position may deteriorate if no action is taken the complainant must be referred immediately to another agency.
5. A full written report of the circumstances of the complaint must be prepared and sent to the insurers, usually by the Chief Executive.