COMPLAINTS AND CONCERNS POLICY AND PROCEDURE

Document information

Title	Complaints and Concerns Policy and Procedure
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Updated by	Vicki Osborne (Operations Manager); Rosi Jack (Fundraising Manager)
Approved by	Anne Kent-Taylor (Charity Director)
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Definitions

Charity	Blue Smile Registered address: 47-51 Norfolk Street, Cambridge CB1 2LD Registered charity number: 1139279 Registered company number: 7411348
Staff	means salaried employees, contractors and volunteers including trustees

Related Policies

	Whistleblowing Policy and Procedure Safeguarding Children and Adults Policy Disciplinary and Grievance Policy

Introduction

Blue Smile committed to providing high-quality mental health services and an excellent experience to all of our stakeholders and supporters, but we recognise that sometimes we may get things wrong. We are always grateful to receive feedback as this is an opportunity to improve.

If you have a complaint or concern about any aspect of Blue Smile's work, please do let us know. We will aim to resolve it as quickly and efficiently as possible in a personal, fair and confidential way.

The purpose of our complaints procedure is to ensure that we:

- listen and respond swiftly to people who raise an issue with us
- are fair and consistent, offering solutions and/or explanations
- offer complainants recourse to someone more senior/more independent if they wish
- ensure that staff who are mentioned in complaints receive support
- respect confidentiality
- use complaints positively as an opportunity for learning and improvement.

This document outlines the policy and describes the procedure to be followed when complaints are made, or concerns are raised, about the actions of any Blue Smile staff, practitioners or volunteers.

Complaints or concerns may be made by parents/carers, children, teachers, Blue Smile staff, volunteers, supporters, potential supporters or any other stakeholders. They may concern Blue Smile's clinical work, fundraising or marketing, or any other aspect of our work.

What do we mean by "concern" and "complaint"

There is a different between a concern and a complaint.

A 'concern' may be treated as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

A 'complaint' may be generally recognised as an expression or statement of dissatisfaction however made, about actions taken or a lack of action.

Taking concerns seriously and responding swiftly should reduce the numbers that develop into formal complaints.

Not every concern raised is classified as a complaint and some matters will be dealt with under alternative processes. For example, the following are not considered to be complaints:

- a request under the Freedom of Information Act 2000 or Data Protection Act 2018
- any issue between a Blue Smile staff member and line manager or colleagues. These would usually be dealt with under the Disciplinary and Grievance policy
- any issue raised as part of public interest disclosure. These will be dealt with under the Whistleblowing Policy and Procedure

Safeguarding a child overrides this complaints process and the charity's Safeguarding Children and Adults Policy must be followed if the complaint of concern relates to a child or adult protection matter.

Process

Stage 1: Local resolution

To resolve straightforward concerns or complaints swiftly and effectively at the point at which the concern is raised or the complaint is made, or as close to that point as possible

In the case of a parent/carer, child or teacher wanting to raise a concern about the clinical service you have experienced, this should be raised in the first instance with the Blue Smile worker, or School Clinical Lead (Partner School).

Any concern raised by a parent/carer, child or teacher needs to be given courteous and timely attention for the person to feel that the matter is being dealt with properly. It is always helpful if any issues can be resolved immediately with concerns acknowledged and an apology from the worker concerned given if required.

When a concern or complaint is made, even if it has been resolved, workers should inform the Clinical Services Manager.

In the case of a Blue Smile volunteer, worker or trustee wanting to raise a concern about a team member or the actions of the organisation, whether in the clinical service, fundraising/marketing or the office, this should be raised in the first instance with their line manager or the staff member supervising the work.

If the individual feels unable to raise the concern with their line manager, they can raise a concern with the Operations Manager and seek a courteous resolution with the person against whom the concern has been raised.

In the case of any other stakeholder wanting to raise a concern about a team member or the actions of the organisation (clinical, fundraising, admin or other) this should be raised in the first instance with Operations Manager, who will identify the correct person to seek a courteous resolution with the person against whom the concern has been raised.

Stage 2: Formal complaints

For use where a complainant is dissatisfied with the outcome of local resolution, or where local resolution is not possible, or not appropriate, due to the complexity or seriousness of the complaint

If it has not been possible to resolve the concerns or complaints, they should be escalated to the Charity Director.

The complainant should contact the Charity Director in writing. The Charity Director will acknowledge the complaint within 10 working days and agree the timescale for resolution.

The Charity Director:

- may arrange an appointment to discuss the complaint with complainant
- may nominate someone to investigate the complaint if appropriate
- may meet with the person about whom the complaint has been raised
- may consult external agencies where appropriate
- may arrange a conciliation meeting if this is appropriate.

The process should normally be completed within 28 days. If the complainant is not satisfied, they may request an internal review by contacting the Chair of Trustees in writing.

Stage 3: Internal review

For use where a complainant is dissatisfied with the outcome of the formal complaint

If a complainant is dissatisfied with the outcome of the formal complaint, then they may request an internal review by the Chair of Trustees. The internal review will either uphold the complaint resolution or make recommendations for an alternative outcome.

The Chair of Trustees will review the complaint, investigation process and outcome. They may nominate an alternative Trustee to review the complaint handling process. If the complaint is raised about the Chair of Trustees, an alternative Trustee will be appointed to review the complaint handling process.

The complainant should contact the Chair of Trustees in writing. The Chair of Trustees will acknowledge the complaint within 10 working days and agree the timescale for reviewing the complaint process.

In order to review the process, they may meet with the complainant, the person against who a concern has been raised, or other staff members as appropriate. The Chair of Trustees may consult external agencies. The Chair of Trustees may arrange a conciliation meeting if this is appropriate.

The Chair of Trustees will respond to complainant in writing within 28 days and inform the Board of Trustees of the outcome and any recommendations.

The decision of the Chair is final and there is no further appeal process.

In making their final decision, the Chair may signpost the complainant to a relevant external organisation depending on the nature of the complaint. This may include BACP, the Charity Commission, or the Fundraising Regulator.

The British Association for Counselling and Psychotherapy (BACP) is the leading professional association for members of the counselling professions in the UK (https://www.bacp.co.uk). Blue Smile is an organisational member of BACP. A concern can be raised about the professional conduct of a member of BACP from those that have accessed therapeutic services.

The Charity Commission (https://www.gov.uk/government/organisations/charity-commission) are the regulator of charities in England and Wales and maintain the charity register. You can raise concerns with them if a charity is not following the law, is seriously harming people, is losing significant amounts of money or assets, or is involved in illegal activity. They focus on dealing with concerns which may cause the greatest impact or harm to charities and public trust and confidence in charities.

The Fundraising Regulator (https://www.fundraisingregulator.org.uk) is the independent regulator of charitable fundraising in England, Wales and Northern Ireland, overseeing charities and agencies compliance with the Code of Fundraising Practice. They can adjudicate on complaints relating to fundraising activities, where the complainant and charity cannot reach a resolution. If a fundraising matter has not been resolved to your satisfaction, then you may refer the complaint to the Fundraising Regulator provided that you do so within two months of Blue Smile's response. Please note: complaints are required to be assessed by the charity before raising with the Fundraising Regulator.

Principles

In all cases every effort will be made to resolve concerns swiftly, courteously and to everyone's satisfaction and towards the improved operation of the organisation.

Blue Smile's senior management team will ensure that a suitable member of staff is assigned to:

- respond to the complainant in a timely, professional and courteous manner
- establish what has happened, including written statements if helpful
- meet the complainant, where appropriate, to clarify their concerns
- meet with the relevant people concerned in order to build up a full picture
- keep written records of all discussions and meetings about the complaint and destroy these after 1 year

The complainant will be updated on progress without promising an outcome satisfactory to them. However, at each stage in the procedure, the aim will be to find ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid, in whole or in part, and to make an apology, give an explanation, listen to the complainant's suggestions for improvement and provide an assurance that things will be handled differently in future.

At each stage of the complaints procedure, the aim is to settle matters to the satisfaction of everyone concerned, as courteously and speedily as possible. The Charity will also aim to identify any lessons it can learn from the concern or complaint raised. The stages are shown on the flowcharts in Appendix 1.

Confidentiality

Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and Blue Smile maintain confidentiality. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain. We will handle personal information in adherence with our Data Protection Policy, Privacy Policy and current GDPR.

Key Contacts

Charity Director

Anne Kent-Taylor

Tel: 01223 314725

Mob: 07704 314103

Email: anne.kent-taylor@bluesmile.org.uk

Clinical Services Manager

Anita Gatt

Tel: 01223 314725

Mobile: 07810 301212

Email: anita.gatt@bluesmile.org.uk

Operations Manager

Vicki Osborne

Tel: 01223 314725

Mobile: 07748 633881

Email: vicki.osborne@bluesmile.org.uk

Chair of Trustees

Naomi Mallick

Email: chair.trustees@bluesmile.org.uk

Appendix 1: Complaints and concerns process

Complaint or concern raised by about the clinical service or the conduct of a staff member, practitioner or volunteer including trustees

Stage 1: Local resolution

To resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible

Concerns from Blue Smile staff should be raised with their line manager, staff member supervising their work, or the Operations Manager; concerns from outside the organisation may be received by any worker

Resolution should be attempted – this may be by apology and explanation or conciliation

Externally raised concerns should be reported to the line manager or staff member supervising their work, and the Clinical Services Manager - even if resolved

If a resolution is unsuccessful or the concern is of a serious nature, proceed to stage 2

Stage 2: Formal complaints

For use where a complainant is dissatisfied with the outcome of local resolution, or where local resolution is not possible, or not appropriate, due to the complexity or seriousness of the complaint

The complainant is invited to inform the Charity Director of complaint in writing

Charity Director acknowledges complaint within 10 working days in writing and agrees a timescale of reporting back

Charity Director may arrange appointment to discuss complaint with complainant and may nominate someone to investigate the complaint if appropriate

Charity Director completes stage 2 of the complaints process within 28 days

If the complainant is not satisfied, they may request an internal review by contacting the Chair of Trustees in writing

Stage 3: Internal review

For use where a complainant is dissatisfied with the outcome of the formal complaint

The Chair of Trustees will review the complaint, investigation process and outcome. They may nominate an alternative Trustee to review the complaint handling process

Chair of Trustees acknowledges complaint within 10 working days in writing and agrees a timescale for reviewing the complaint process. They may meet with the complainant, the person against who a concern has been raised, or other staff members as appropriate

Chair of Trustees will respond to complainant in writing within 28 days and inform the Board of Trustees of any recommendations

The decision of the Chair is final and there is no further appeal process. The Chair may signpost the complainant to external organisations eg BCAP; Charity Commission; Fundraising Regulstor