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**Complaints Procedure**

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| **1.** | **Introduction** |
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| 1.1 | This procedure sets out the steps Healthwatch Rotherham will follow when a complaint has been made about any aspect of the organisation’s service. It will deal with complaints about paid employees or volunteers. Any action that the organisation has to take against employees or volunteers as a result of a complaint, will be dealt with under other policies and procedures connected with such and linked with any relevant legislation. |
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| **2.** | **Aims of the procedure** |
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| 2.1 | This procedure aims to provide the means to resolve a dispute between the organisation and the complainant. A complaint is likely to be in one or more of the following areas:   * Dissatisfaction with the service, e.g. inadequate work, unacceptable delay or failure to deliver a service * A dispute between a user and the organisation with regards to policies, procedures and activities * Any action from employees or volunteers that may cause offence to the complainant or has been identified, by the complainant, as causing offence to others. |
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| **3.** | **The Procedure** |
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| 3.1 | If at any time an individual has a complaint regarding the organisation, its services or its employees/volunteers they have the right to voice their complaint and to be listened to. The organisation will treat all complaints seriously and respond to any issues without prejudice in a timely and professional manner. The safety of individuals making a complaint will always be considered. |
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| 3.2 | All complaints should be made in writing by the completion of a complaints form or by request to make a verbal complaint (any verbal complaint should also be written down in agreed format by the person who is receiving the complaint). |
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| **4.** | **Stage One – verbal complaints** |
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| 4.1 | When a verbal complaint is made, employees and volunteers should:   * Be courteous * Minimise the need for the complaint to be made where possible * Record the complaint taking the following details: * The name and contact details of the complainant * Detail of the complaint * What redress the complainant wants * Read back the complaint for verification. |
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| 4.2 | If a verbal complaint is made in person, then the person receiving the complaint should have a fellow worker present with them where possible to minimise risk to the individual and the organisation. The following guidelines should be followed:   * Where the complainant is a woman, the person receiving the complaint should have a woman present with them * If the complainant is a member of an ethnic minority group then the person receiving the complaint should have a representative from that group with them. |
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| 4.3 | In all cases, the details of the discussion must be written down and the organisation will then attempt to solve the problem. If the problem is resolved at this stage, there is no need for further action. |
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| 4.3 | In many cases, verbal complaints can be resolved at an early stage and without the need for a panel to be convened, however, all complaints must be brought to the attention of the Chief Executive. |
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| **5.** | **Stage One – written complaints** |
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| 5.1 | If the initial complaint is made in writing, the complainant should be invited to discuss the issue with a member of the Board of Trustees, or any other person designated by the Board to deal with these issues. Where the complainant does not wish to discuss the complaint further, then the written complaint will be accepted and the outcome based on the information contained within it. |
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| 5.2 | If the complainant does not wish to discuss the complaint in person, the organisation reserves the right to request further written information from the individual in order to investigate and attempt to resolve the issue. |
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| 5.3 | In most cases it will be the person against whom the complaint is made that will respond in writing to the complaint in this regard, however, the health and safety of all concerned will be taken into account and the organisation reserves the right to nominate a specific individual to correspond with the complainant. |
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| 6.1 | Stage One should be completed within 5 working days of receiving the complaint. |
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| **6.** | **Stage Two** |
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| 6.1 | The complaint (written or verbal) should be passed to the manager to which the complaint relates. If the complaint is about a manager, then the complaint should be given to the Chief Executive, or the Chair of the Board of Trustees in the case of a complaint about the Chief Executive. |
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| 6.2 | A letter or email should be sent to the complainant acknowledging the complaint within 5 days, explaining the organisation’s procedure and timescales for review. |
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| 6.3 | The complaint will be investigated by the relevant manager or member/panel from the Board of Trustees, depending on appropriateness, further evidence will be gathered where necessary and recommendations made. |
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| 6.4 | The investigating officer/panel’s decision will be final (unless the individual appeals) with regards to the organisation and no further action will be taken by the organisation, unless it is deemed the complaint is valid. Where this is the case, the organisation will take action under the relevant policy/procedure and any action taken against an employee or volunteer will not be disclosed to the complainant. |
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| 6.5 | Stage Two should take no longer than 10 working days and the complainant will be notified in writing of the organisation’s decision. Where the process may take longer than 10 working days, the complainant will be notified, either at the start of the process or at the earliest opportunity, with a reason for the delay. |
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| 6.6 | The complainant will be contacted in writing with the response to the complaint and details of the appeals procedure. |
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| **7.** | **Stage 3 – Appeals** |
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| 7.1 | The decision made at Stage Two is final. Where the complainant feels that the procedure has not been followed correctly, they may make an appeal by writing to the Chair of the Board of Trustees within 5 working days of the date of the decision at Stage Two. |
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| 7.2 | The Chair will then either review the case or appoint at least two members from the Board of Trustees, as a Board Complaints Appeal Panel to investigate further. This panel will look at all evidence and decide if the original decision was made to the best of ability using all the necessary information. |
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| 7.3 | The panel will not overturn the original decision unless there has been a clear breach of this procedure. If this is the case then the complaint will be looked at again, using Stage Two of this procedure. |
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| **8.** | **Complaints against the Board of Trustees** |
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| 8.1 | If a complaint is made against a member of the Board of Trustees, the same procedure will be followed except for the following changes. In such a case, it is deemed necessary for the Chair to decide upon either:   * Asking for other members of the Board of Trustees, not cited in the complaint, to form a panel that will investigate the complaint, and/or * Asking for guidance and support from an external body, able to provide such guidance and support, i.e. Voluntary Action Rotherham. |
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| **9.** | **Financial loss** |
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| 9.1 | Where a complaint has been made which suggests that the organisation, through its actions, has caused financial loss to a complainant, the complainant will be asked to seek legal advice from other sources. The organisation will then not discuss this matter with the complainant, other than through appointed legal representation. |

Date adopted: March 2016

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