



## Policy & Procedure

# Complaints Procedure

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### 1. Introduction

UKDS is committed to continuous quality improvement. UKDS's aim is to promote a culture of corporate and professional responsibility, to learn from all suggestions and complaints received, and to work in partnership with clients to improve the quality of care and services offered.

### 2. Definition

A complaint is an "expression of dissatisfaction" with any aspect of service offered by the UKDS. It may be made in person, by telephone, by video letter or in writing (by letter, fax or email).

A complaint could relate to one or more aspects of the services provided. It is essential that the investigation address all aspects of the complaint.

### 3. Aims

To ensure that:

- Our complaints policy is well publicised and easily accessible to all service users and staff

- Organisation staff are aware of their responsibilities with regard to complaints, and are sympathetic and responsive to any concerns that are expressed. Service provision should not be influenced by the fact that a complaint has been made
- Any complaints investigation is conducted in a professional, thorough manner, striking a suitable balance between confidentiality and openness. It must be fair to both the complainant and any staff involved. Wherever possible, the complaint should be managed within the designated timeframes
- Staff receives training to improve complaints handling and investigation and to ensure that there is early and appropriate resolution. **Appendix 1** is a resource for the training 'complaints investigation procedure'
- All complaints are recorded, and the outcome used to improve practice across the organisation
- Wherever possible, complaints should be resolved locally and immediately
- Complainants are kept informed of the progress and outcome of the investigation. The majority of complainants wish only for their concerns to be taken seriously. Where unavoidable delays occur, complainants must be kept informed of progress and the reason for any delay. It is important to offer apologies, where appropriate, an explanation if things have gone wrong, and reassurance that steps will be taken to avoid it happening to anyone else
- In respect of complaints against independent contractors UKDS engages with all parties to facilitate resolution

#### 4. Responsibilities

- 4.1 **Chairperson of the Board:** If for any reason the complainant is not satisfied with the initial investigation they should then contact the Chair. This can be in the form of a letter or recorded media and should explain in detail any areas of the initial investigation that do not satisfy the complainant, and why.
- 4.2 **Chief Executive** has overall responsibility and accountability for the management of complaints within the organisation and that action is taken in light of the outcome of any investigation.
- 4.3 **Complaints Officer** is responsible for ensuring the investigation and response of all complaints received and maintains the central complaints database and produces regular reports for the Board in order to monitor the management of complaints, the trends and the action taken.

The Complaints Officer must alert the relevant Personnel on receipt of complaints which may relate to an incident of a serious nature.

- 4.4 **Sub-Committee Chairs** are required to:
- Inform the Complaints Officer promptly of any verbal complaint received in their area, and the resulting action taken, by sending a completed Verbal Complaints on the Enquiry Form to the Complaints Officer
  - Ensure that all complaints correspondence is forwarded without delay to the Complaints Officer and not filed
  - Use the outcome of complaints received to improve practice and service of their department
  - Act as an investigatory complaints officer, if required by the Complaints Officer
  - Immediately refer any press enquiry regarding a complaint or complainant to the Chief Executive

#### 4.5 **UKDS Staff** must:

- Be aware of and apply the Complaints Policy
- Treat any complaint received, whether verbal or written, as a matter of priority, and respond in a sympathetic, confidential and professional manner

### 5. **Who May Complain?**

A complaint may be made by any member of the public, member of staff or volunteer who is dissatisfied with UKDS, any of its services, decisions or actions.

Staff and volunteers who wish to raise work-related concerns can do so through their individual line manager following organisational internal policy and procedure.

Complaints must include full contact details of who is complaining. Anonymous complaints will not be investigated.

Complaints should be made as soon as possible after the event; this should be within 6 weeks unless there are special reasons why it couldn't be done in this time.

### 6. **Client Confidentiality / Data Protection**

6.1 During a complaints investigation, client confidentiality and adherence to the Data Protection Act 1998 and the Freedom of Information Act 2000 must be maintained at all times.

6.2 File notes, letters and reports relating to complaints must not be filed with the clients' service records. The Complaints Officer will be responsible for safely storing all complaints paperwork/data.

6.3 The complete complaints file must be kept for a period of ten years, sometimes longer; as such documentation may be required in a court of law if subsequent legal proceedings take place.

### 7. **Written Complaints**

7.1 Written complaints are those received by letter, fax or email from the complainant, but may also include verbal complaints that have not been resolved locally and those of a serious nature, requiring a written response.

**Any complaint, even if it is made verbally that alleges abuse, discrimination, incompetence, negligence or criminal activity, must be treated as a written complaint and referred immediately to the Chair of UKDS/Chief Executive.**

7.2 All written complaints received should be sent **immediately** to the Complaints Officer, UKDS Head Office, marked **URGENT**.

7.3 Whatever means is used to send the written letter of complaint, staff should communicate to inform the Complaints Officer that a written complaint has been received and is being forwarded.

7.4 The Complaints Officer will send a standard written letter of acknowledgement within **5** working days and will seek authorisation for the complaint to be investigated, if appropriate.

- 7.5 The Complaints Officer will advise the appropriate line manager immediately if any allegation could lead to a disciplinary hearing. The line manager will be responsible for speaking to the member of staff concerned.
- 7.6 The Complaints Officer will advise the Chief Executive and relevant line manager immediately if any complaint could lead to legal proceedings or media interest, such as those alleging abuse, discrimination, negligence or criminal activity. The line manager will be responsible for speaking to the staff concerned, as appropriate.
- 7.7 The Complaints Officer will nominate a Complaint Manager as appropriate to investigate the circumstances of the complaint. The investigation should be completed within 21 working days of receipt of the original letter so that a final response may be despatched within 30 working days.
- The Complaints Officer and the investigator must liaise to identify at an early stage if an investigation may not be completed within this period. The consent of the complainant must be sought if the period needs to be extended. The deadline may only be extended with the complainant's agreement. If an extension is granted, every effort must still be made to resolve the complaint within 30 days.
- 7.8 The investigator will consider the details of the complaint and seek clarification on any aspect if required. In addition, they will determine the investigation/resolution tools appropriate for effective handling of the complaint. They may interview the complainant, staff and witnesses, as appropriate, taking full statements from all those concerned, as required. At every stage of the proceedings, the investigator will utilise good communications and adhere to Human Resources policies, taking advice where necessary.
- 7.9 It is important that complaints that identify serious incidents and near misses are handled in conjunction with the procedures outlined in the staff handbook.
- 7.10 The nominated Manager will send a report of the complaints investigation and a draft letter of response to the Complaints Officer.
- 7.11 The Complaints Officer is required to respond to the complainant within 30 working days of receipt of the written complaint via a formal letter of response which should not contain service jargon. If this is unavoidable, a layperson's explanation should be included, as appropriate.
- 7.12 The Manager will be responsible for informing the Complaints Officer if the investigation of the complaint is likely to be delayed, (see 7.7) or if the complaint needs to be passed to another manager to investigate.

Please see **Appendix 2** for a flow chart to illustrate the process and timescales in dealing with written complaints.

## **8. Verbal Complaints**

8.1 Verbal complaints are either:

- Resolved locally, in which case the details/outcome should be recorded on an enquiry form
- Not resolved locally, in which case details should be recorded on an enquiry form and forwarded without delay to the Complaints Officer. Unresolved verbal complaints are treated as formal written complaints

- 8.2 Any employee / contractor who receive a verbal complaint should:
- Seek to establish the cause of the problem
  - Establish if immediate action can be taken to resolve the issue
  - If appropriate, carry out the agreed action, seeking advice as necessary
  - Seek clarification from the verbal complainant that the agreed action has resolved the issue of concern
  - Record the nature of the verbal complaint and the outcome on UKDS's enquiry form
  - Send/hand the completed enquiry form to their line manager as a matter of priority
  - Send a copy of the completed enquiry form to the Complaints Officer
- 8.3 If after consideration, the member of staff cannot resolve the verbal complaint, they should:
- pass the details of the verbal complaint to their manager without delay or, if they are not available, to another appropriate manager
  - complete an enquiry form, detailing the date, time and nature of the complaint, the reason that it has not been resolved locally and the name of the manager to whom it has been passed
  - pass the original enquiry form to their manager
  - send a copy of the completed enquiry form to the Complaints Officer
  - the Complaints Officer will treat an unresolved verbal complaint as a formal written complaint
- 8.4 **Any complaint, even if it is made verbally, that alleges abuse, discrimination, incompetence, negligence or criminal activity, must be treated as a written complaint and referred immediately to the Chair of UKDS/Chief Executive's Office.**

## 9. Email complaints

- 9.1 Complaints may be received via email. Guidelines are necessary to ensure:
- Compliance with the Complaints procedure, the Complaints policy and with data protection legislation
  - That a comprehensive audit trail is maintained
  - That sensitive personal data is not transmitted electronically beyond the UKDS net, where firewall security may be inadequate
  - All correspondence sent in response to receipt of a complaint via email is professional and timely, part of an effective resolution to the concerns expressed, with due regard to the confidentiality of client and other parties to the complaint
- 9.2 When a complaint via email is received, a brief email acknowledgement should be sent within two working days by the recipient. The style of a business letter must be used, however informal the style of the incoming message is.
- 9.3 It is rarely advisable to provide a detailed response to a complaint via email, unless it is in response to a simple query that does not involve an exchange of personal information. Even then, the same formality and attention to detail that is required when writing a business letter should be employed.
- 9.4 If it is an uncomplicated matter, for example regarding a pair of lost pyjamas and the issue can be dealt with without delay, an email response can be sent, as appropriate. A copy of the incoming and outgoing message should be forwarded to the Complaints Officer for information.

- 9.5 When responding to an email, an incoming message should not be retransmitted if it contains any client data or sensitive information about a client, another professional or other member of staff. If in doubt, the “new message option” should be used.
- 9.6 If the original email does not contain the sender’s postal address, the correspondent should be asked if he/she will send it by return. Where there is reason to doubt the bona fide identity of the correspondent, the Complaints Officer may later need to investigate this further.
- 9.7 Any further correspondence, prior to the Chief Executive’s final response, should be via the postal service if it involves the sending of confidential / sensitive information. If emails are used at any stage, for example in arranging a meeting, sensitive personal data should not be transmitted. The complainant is free, of course, to continue to correspond via email.
- 9.8 Hard copies of all outgoing and incoming messages related to the complaint must be made available to the Complaints Officer for retention in the complaint’s case file.
- 9.9 In some circumstances, emails to colleagues about a complaint may be disclosed to the complainant or the Courts. All complaints-related written communications with colleagues should adhere to the following principles:
- Anonymisation, where reasonably practicable, if client data is involved
  - All emails to be written in a formal manner
  - Professional restraint to be maintained
  - No inappropriate exchange of views about a complaint or a party to a complaint to be employed

## **10. Habitual or Vexatious Complaints**

### **10.1 Definitions:**

Complainants, or anyone acting on their behalf, may be deemed to be habitual or vexatious where previous or current contact with them shows they meet 2 or more of the following criteria:

- Persist in pursuing a complaint where the UKDS procedure has been fully and properly implemented and exhausted
- Change the substance of a complaint, or continually raise new issues, or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. However, care must be taken not to discard new issues which are significantly different from the original complaint which may then need addressing as separate complaints
- Deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has passed
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts by staff and/or where the concerns identified are not within the remit of UKDS to investigate
- Focus on trivial matter to an extent which is out of proportion to its significance and continue to focus on this point (it is recognised that determining what is a ‘trivial’ matter can be subjective and careful judgment must be used in applying this criteria)
- Have threatened or used actual physical violence towards staff or volunteers at any time. This will cause personal contact with the

complainant and/or their representatives to be discontinued and the complaint will thereafter only be pursued through written communication (all incidents should be documented)

- Have in the course of addressing a registered complaint, had an excessive number of contacts (which could be in person, by letter, phone, fax, sms) with UKDS placing unreasonable demands on staff. Discretion must be used in determining the precise number of 'excessive contacts' applicable under this section, using judgment based on the specific circumstances of each individual case
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint. (Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety or distress and should make reasonable allowances for this and document all incidents of harassment)
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved
- Display unreasonable demands and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practise)

10.2 Habitual and/or vexatious complaints, whilst few in number, can present real dilemmas. The difficulty in handling such complaints is that they can place a strain on time and resources and cause undue stress for staff who may need support in difficult situations. Whilst staff are trained to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem. However, the complaints procedure must be implemented as far as possible and no material element of the complaint may be overlooked or inadequately addressed as even habitual or vexatious complaints may have aspects which contain genuine substance.

10.3 Options for dealing with these kinds of complaints:  
Where complainants have been identified as habitual or vexatious by the above criteria the Chief Executive and Chairperson (or deputies in their absence) will determine what action to take. They will notify the complainants in writing of the reasons they have been classed as such and advise them to take account of the criteria in any further dealings with UKDS. Information may be copied for others already involved in the complaint.

The Chief Executive and Chairperson may decide to deal with complaints in one or more of the following ways:

- Try to resolve matters by drawing up a signed agreement with the complainant which sets out a code of behaviour if UKDS is to continue processing the complaint. If these terms are broken then consideration would be given to implementing other action as indicated in this section
- Decline contact with the complainant either in person, by telephone, fax, email, letter, sms or any combination of these, provided that one form of contact is maintained or alternatively to restrict contact to liaison through a third party
- Notify the complainants in writing that the Chief Executive has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. They should also be notified that the correspondence is at

an end and that further letters received will be acknowledged but not answered

- Inform the complainants that in extreme circumstances UKDS reserves the right to pass unreasonable or vexatious complaints to their solicitors
- Temporarily suspend all contact with the complainants or investigations or a complaint whilst seeking legal advice or guidance

#### 10.4 Withdrawing habitual or vexatious status:

In ascribing the status of 'habitual' or 'vexatious' to a complainant, UKDS at the same time shall include a mechanism for withdrawing this status at a later date if, for example, they subsequently demonstrate a more reasonable approach or submit a further complaint for which normal procedures would appear appropriate

This policy should ensure discretion for both ascribing and withdrawing such status. Where status is withdrawn, discussion will be held with the Chief Executive or Chairperson (or their deputies) and subject to their approval normal contact with the complainant and application of the UKDS complaints procedures will then be resumed

### 11. Complaints involving partnering or more than one organisation

The Complaints Officer will be responsible for working with the other organisation involved to establish who will take the lead responsibility for the management of the complaint and for informing/liasing with the complainant

Where complaint relates to partnering organisation (e.g. organisation purchasing the training) it will be passed directly to that organisation

### 12. Response Criteria

The following deadlines must be adhered to with regard to complaints management:

#### 12.1 **Verbal complaints:**

Resolved immediately or referred as a written complaint.

#### 12.2 **Written Complaints:**

**5** working days = acknowledgement of receipt of written complaint

**21** working days = investigation completed & the Complaints Officer notified of circumstances

**30** working days = Complaints Officer to send response letter to complainant, informing them of current situation, or interim letter with explanation of the reason for the delay in sending a full response and seeking the consent of the complainant with regard to this delay

### 13. Appeal procedure

- If for any reason the complainant is not satisfied with the further investigation they should contact the Chief Executive<sup>1</sup>. This can be in the form of a letter or recorded media and should explain in detail any areas of the initial investigation that do not satisfy the complainant, and why

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<sup>1</sup> If for reasons of procedure the Chief Executive is unable to deal with the complaint, this will be dealt with by the Chair of Trustees.

- Any such complaints will be acknowledged in an appropriate format, within **5** working days after which the Chief Executive will conduct a further investigation of the complaint
- The initial investigation will be re-examined and all concerned parties may be contacted to confirm or provide further information. In addition the following may be contacted as appropriate:
  - *Members or Trustees not directly involved with the complaint*
  - *Independent professional bodies or individuals*

A full response will be made either by the Chief Executive within **30** working days, in an appropriate format.

#### **14. External investigation**

- If for any reason the complainant is not satisfied with the further investigation they should again contact the Chief Executive requesting that the complaint is passed to a relevant external body
- Complaints that cannot be settled through the above procedure will be passed to the relevant external body. All involved parties will be informed in writing
- Relevant external bodies will be determined by the nature of the complaint, for example:
  - *NRCPD with regard to Interpreting services*
  - *Charity Commission*
- Documentation regarding the initial and further investigations, as well as any previous correspondence, will be made available to the external body undertaking the investigation

#### **15. Monitoring of Complaints / Learning from Complaints**

UKDS is committed to ensuring that lessons are learned from complaints and where appropriate, changes are made as a result.

The Complaints Officer is responsible for the following actions with regard to monitoring of complaints received:

- follow up action will be the responsibility of the line manager; however quarterly updates will be sent to the Complaints Officer to ensure actions have been completed
- producing a quarterly report of the number, cause of complaints and action taken / proposed, which is presented in summary to the Board

Managers/teams will be responsible for keeping a log of verbal complaints received relating to their area and for establishing systems to ensure that proposed actions arising from verbal and written complaints are implemented and that the process is monitored.

#### **16. Complaints / Appeal Contacts**

Complaints Officer  
UKDS Office c/o Deaf Direct  
The Bradbury Centre  
2 Sansome Walk  
Worcester, WR1 1LH

Philip Gerrard  
Chair – UKDS  
UKDS Office c/o Deaf Direct  
The Bradbury Centre  
2 Sansome Walk  
Worcester, WR1 1LH

Tel:  
Minicom:  
Fax:

[philip@deafdirect.org.uk](mailto:philip@deafdirect.org.uk)

## Appendix 1. Complaints investigation procedure

The purpose of a complaint investigation is to address 3 key areas:

1. What are the issues raised?
2. What were the circumstances?
3. What actions is UKDS going to take?

When a complaint is received by the Complaints Officer then a file is prepared ready for investigation, or allocated to the appropriate Departmental Manager to conduct a thorough investigation within the appropriate timescales of:

**5 working days** = Complaint acknowledged and copy file sent to Departmental Manager

**21 working days** = Investigation completed & the Complaints Officer notified of circumstances. Report/draft response sent to Complaints Officer who will then send further letter to complainant, informing them of current situation

**30 working days** = Final and formal response from the Chief Executive to the complainant, or interim letter with explanation of the reason for the delay in sending a full response and seeking the consent of the complainant with regard to this delay

The complaints file will contain:

1. The original complaint letter and all complainants details
2. Copies of any documents received with the complaint letter including any written consent that may be necessary.
3. A copy of the acknowledgement letter to the complainant.
4. Copies of any other correspondence.
5. Clear dates for report and draft response to be sent to the Complaints Officer.
6. Date for final response to be sent to complainant by Chief Executive.

When undertaking an investigation the following steps should be applied:

**1)** If possible, speak to the complainant to confirm the complaint has been received by the investigator and to obtain a clear understanding of what the complaint is about and what the complainant wants as a result of the investigation.

Obtain verbal consent from complainant for investigator to access any records or contact any other service which may be appropriate to the complaint.

The Investigator needs to ensure that the complainant understands the complaint process and has a realistic expectation of what to expect as a result of the investigation.

**2)** Identify services involved and speak to, and whenever possible, obtain a signed, written statement from any members of staff involved in the complaint. Ensure that members of staff are absolutely clear on what is being investigated, and why, and clearly outline the deadlines for responses.

**3)** If necessary, speak to, and obtain a signed, written statement from, any Independent Contractor that may be involved in the complaint. Ensure that the deadlines for receipt of written statements and/or information are clearly understood by the contractor.

4) Keep an accurate record of any telephone conversations, meetings or contacts with any person involved in the complaint and include them in the report to the Complaints Officer and CEO together with notes made at the time.

5) Speak to the complainant again to update and, if necessary, arrange a meeting with them to further discuss the issues raised and any actions that may take place as a result of the investigation.

6) Liaise regularly with the Complaints Officer and discuss any issues that may arise during the investigation.

7) Prepare a report and a draft response to the complainant and send to the Complaints Officer by the required date.

The report should contain:

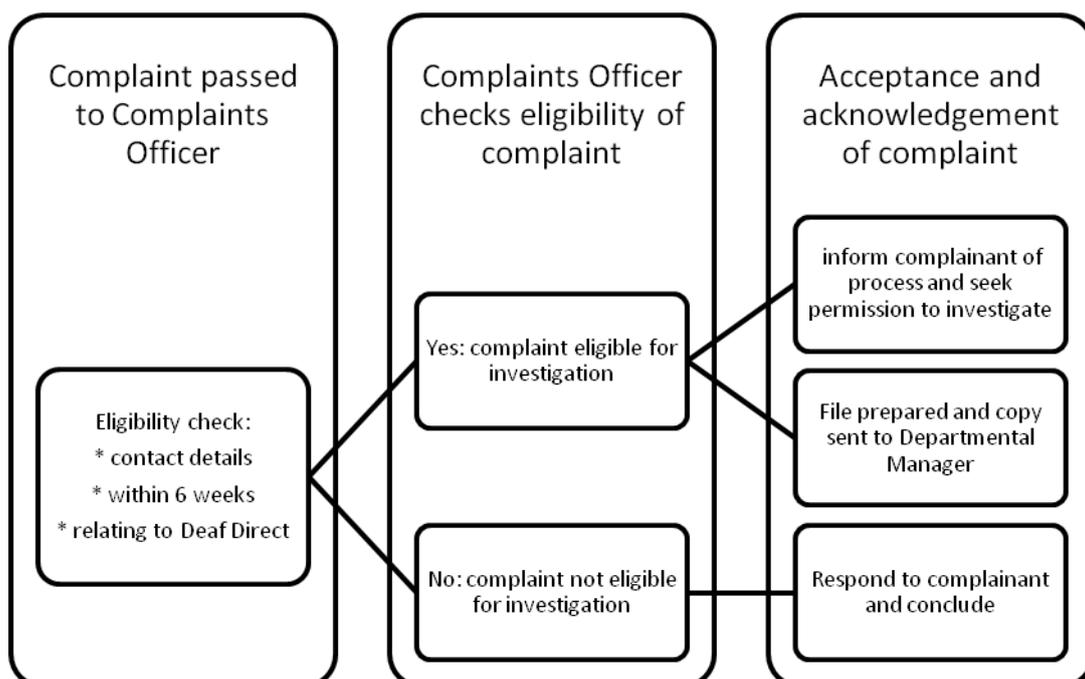
1. A list of the issues to be addressed as agreed with the complainant
2. A short summary of the complaint
3. What the investigation involved
4. Conclusion
5. Recommendations

The draft response should contain:

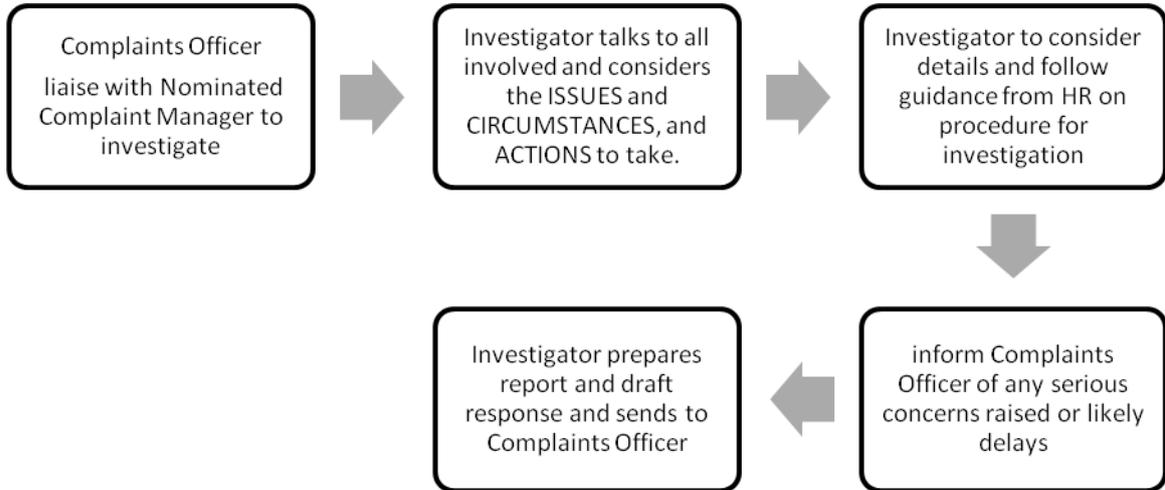
1. Clarification of the issues raised
2. A clear summary of the complaint
3. Full explanation and apology
4. Conclusion
5. Recommendations
6. Outcomes

## Appendix 2. Complaints Flow Chart

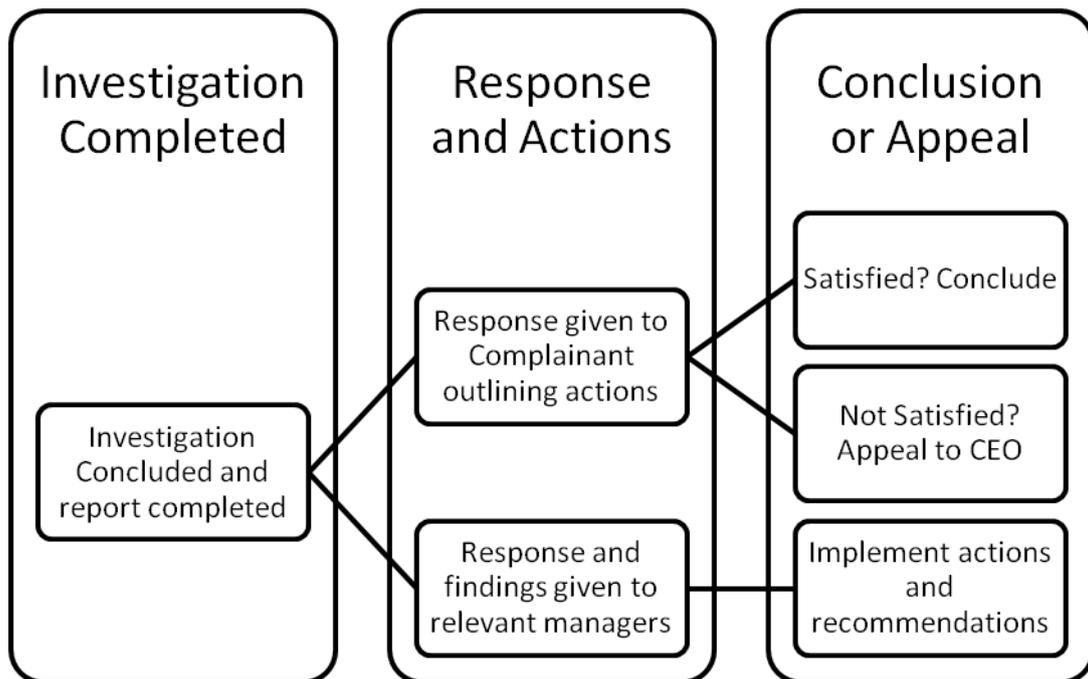
### Phase One: Receive Complaint



*Phase Two: Investigate Complaint*



*Phase Three: Conclusion of Investigation*



*Phase Four: Appeal*



*Phase Five: Monitoring*

Complaints Officer	Departmental Manager	Deaf Direct Employees
<ul style="list-style-type: none"> <li>• Oversees actions arising from complaints</li> <li>• Produces quarterly report and presents to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for implementing and monitoring actions</li> <li>• Responsible for ensuring systems in place to log and monitor complaints</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for keeping a log of verbal complaints relating to their area of work</li> <li>• will respond appropriately to complaints and recommendations</li> </ul>

**This Summary Chart must be read in conjunction with the full UKDS Complaints Policy and must not be used in isolation.**