

<b>Name</b>	Complaints, Compliments & Comments Policy and Procedure
<b>Document Owner</b>	Emma Hutchinson
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## Contents

1. Introduction .....	2
2. Links to other BLGC Policies, Procedures & Guidance .....	2
3. Regulatory & Legal Frameworks .....	2
4. Who can access the procedure? .....	3
4.1 Anonymous Compliments and Complaints .....	3
4.2 Complaints from children and young people .....	3
4.3 What is a complaint?.....	3
4.4. What is a compliment? .....	3
4.5 What is a comment? .....	3
5. Vexatious and Malicious Grievances.....	4
5.1 Introduction.....	4
5.2 What is a vexatious complaint?.....	4
5.3 What is a malicious complaint? .....	4
6. Comments, Compliments and Complaints Procedure.....	5
6.1 Time Limit for making a Complaint .....	5
6.2 The Intent of this Procedure .....	5
6.3 Informal Stage.....	5
6.4 Formal Stage .....	6
6.5 Review Stage .....	7
7. Further Appeals .....	7
8. Complaints Procedure - Exceptions to the normal procedure .....	8
9. Complaints Procedure - Criminal offences / safeguarding.....	8
10. Complaints Procedure – Confidentiality .....	8
11. Compliments Procedure.....	8
12. Comments Procedure .....	8
14. Monitoring Reporting and Learning.....	9
15. Equality and Diversity .....	10

# 1. Introduction

BLGC is committed to providing high quality service to all its service users. The purpose of this policy is to ensure that all people using the service have the opportunity to make compliments, complaints and comments on any aspects of our service. That all complaints are taken seriously, investigated thoroughly and objectively; and the results communicated to the complainant.

The policy and procedure allows BLGC to record and review its services, enabling improvements to be made when required. Record compliments, ensure that they are acknowledged, and ensure that they are brought to the attention of all staff to encourage them to further develop our services.

Record comments, ensure that they are appropriately acknowledged, and ensure that they are brought to the attention of the relevant staff, to be considered during the on-going development of our services. BLGC welcomes any constructive comments which may enable us to ensure that the services we provide will match our customers' needs (service users and commissioners).

In the light of these values, complaints should be viewed as a positive opportunity to improve the quality of service offered. Consequently, they must be addressed in an environment where there is a willingness to listen and respond sensitively with flexibility and to change practices or services where to do so will more effectively meet people's needs.

Whilst promoting a positive attitude towards complaints, BLGC recognises its responsibility to balance the rights of staff, and volunteers who may be complained about with those of the complainant. Staff and volunteers will be kept informed of the progress of complaints.

The policy applies to all employed staff and volunteers at BLGC. The policy is aimed at all children & young people, volunteers, visitors, parents/carers and professionals.

## 2. Links to other BLGC Policies, Procedures & Guidance

- BLGC Behaviour management policy
- BLGC Staff policy statement of equal opportunities
- BLGC Code of Conduct
- BLGC CYP Safeguarding policy

## 3. Regulatory & Legal Frameworks

Complaints received are considered and reviewed against the following frameworks

- Children Act 2004
- Care Act 2014
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Data Protection Act 1998
- Freedom of Information Act 2000
- General Data Protection Regulation (GDPR) 2018
- Charity Commission Regulations

## 4. Who can access the procedure?

The procedure is open to all those using services provided by BLGC which includes those commissioning our services, funders, patrons, partner agencies and their representatives, and those acting on behalf of a child or other service user; this does not include legal representatives. If a complaint is made by a child or a young person, that person should have access to independent advice and support from adults who they can contact directly and in private about problems or concerns.

### 4.1 Anonymous Compliments and Complaints

Compliments and complaints received anonymously will be recorded and considered, but action may be limited if further information is required to ensure a full and fair investigation.

### 4.2 Complaints from children and young people

As a children and young people focused children charity, we recognise that children and young people may find it difficult to make a complaint, we have a commitment to support children and young people through this process with the help of an advocate, who might be a parent, teacher, older sibling or a mentor.

### 4.3 What is a complaint?

A complaint is an expression of dissatisfaction which requires a response. If a complaint is received, it is important to clarify if it is:

- a) An informal complaint or concern which the person does not wish to pursue via a formal process but wishes to have a concern acknowledged and addressed.
- b) A formal complaint (in writing, video or audio) which requires investigation within agreed timescales and follows a formal procedure, such as the one set out below.

An individual may make a complaint if they feel we have:

- Failed to provide a service or an acceptable standard of service
- Delayed in providing a service
- Made a mistake in the way we have provided a service
- Failed to act in a proper way
- Provided an unfair service.

### 4.4. What is a compliment?

A compliment is an expression of satisfaction or praise with the service provided by BLGC through its staff, and volunteers, in the course of their day-to-day work.

This policy will be limited to compliments which were submitted in writing, via email or letter. Whilst compliments on social media will be appreciated, they will not be processed as described below.

### 4.5 What is a comment?

A comment – in this context – is an expression of interest which is shown by an individual or an organisation where there is, for example, a desire to make a suggestion, that will be helpful to BLGC.

It may be a suggestion about how a service could be improved; it may be a suggestion that BLGC's skillsets could be used in new areas (geographically and/or areas of practice). This policy will be limited to comments which were submitted in writing, via email or letter. Whilst comments on social media may be appreciated, they will not be processed as described below.

## 5. Vexatious and Malicious Grievances

### 5.1 Introduction

The presumption should be that a complaint is made in good faith. If BLGC become aware that a complaint is made with vexatious or malicious intent they may make a decision and recommendations for further action on this basis. Every complaint must be considered on its merits and, even if someone has made a vexatious or malicious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious or malicious. BLGC will consider any known temporary or permanent outside factors, such as personal or health issues that may have affected the employee or volunteer who is the subject of the complaint and which the employee or volunteer is prepared to share.

### 5.2 What is a vexatious complaint?

A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something this is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted. In identifying vexatious complaints, BLGC must be careful to distinguish between individuals who are raising genuine concerns and recognise where people are simply being difficult. This can be achieved by recognising that complainants may often be aggrieved, frustrated or have other reasons for their behaviour; the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant. However, a complainant may be regarded as vexatious where the individual:

- Persists in pursuing a complaint which has already been investigated by BLGC on two occasions, the second of which provides no new or material information.
- Seeks to prolong contact by continually changing the substance of the complaint or by continually raising further concerns or questions whilst the complaint is being addressed.
- Fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts to assist them.
- Complains solely about trivial matters to an extent which is out of proportion to their significance.
- Makes excessive contact with the manager or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.

### 5.3 What is a malicious complaint?

A malicious complaint is one that is made with the intention of causing harm e.g. deliberately seeking to defame an employee or volunteer and raising a complaint with this intent; through lying about an issue or incident in the knowledge that this will cause harm; through knowingly basing a complaint on rumour and gossip with the intention of causing harm. A malicious complaint is defined as one that the investigation has shown to be without foundation; one where the investigation evidence demonstrates that the complainant knowingly lied to the investigator; and here there is sufficient evidence to demonstrate this

at a disciplinary hearing on the basis of the balance of probabilities.

## 6. Comments, Compliments and Complaints Procedure

### 6.1 Time Limit for making a Complaint

6.1.1 Except as mentioned in 6.1.2, a complaint must be made not later than 12 months after:

- (a) the date on which the matter which is the subject of the complaint occurred; or
- (b) if later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

6.1.2 The time limit in 6.1.1 shall not apply if BLGC is satisfied that:

- (a) the complainant had good reasons for not making the complaint within that time limit; and
- (b) notwithstanding the delay, it is still possible to investigate the complaint effectively and fairly
- (c) and, if the complaint is related to historical abuse, either physical, emotional or sexual.

### 6.2 The Intent of this Procedure

The arrangements for dealing with complaints must be such as to ensure that:

- (a) complaints are dealt with efficiently;
- (b) complaints are properly investigated;
- (c) complainants are treated with respect and courtesy;
- (d) complainants receive, so far as is reasonably practical:
  - (i) assistance to enable them to understand the procedure in relation to complaints; or
  - (ii) advice on where they may obtain such assistance;
- (e) complainants receive a timely and appropriate response;
- (f) complainants are told the outcome of the investigation of their complaint; and
- (g) action is taken if necessary in the light of the outcome of a complaint.

There are, potentially, three stages to the complaints procedure

- **Informal** (problem solving)
- **Formal** (investigation and reporting within agreed timescales)
- **Review**

### 6.3 Informal Stage

BLGC aims to address any queries or expressions of dissatisfaction promptly and, wherever possible, at the point at which the difficulty or problem arises.

The person who is the subject of the complaint will not take part in its consideration at the informal stage of the resolution process.

Emphasis should be given on resolving the concern or complaint without leading to the formal stage. When a situation arises where someone indicates that he/she/they would like to make a complaint, every effort should be made at that point to involve the manager of the service involved (or, in his/her/their absence, a senior manager).

The intention is to ensure that those who use or access our services who express their views are listened to and are satisfied with the response. It is therefore important at this informal stage to clarify what the complainant wants to achieve as a result of their dissatisfaction. The manager must be confident that the complaint or concern has been resolved to the satisfaction of the complainant. The outcome and summary account of the nature of the complainant/concern recorded along with any agreed actions and a copy kept on file.

The purpose of this informal stage is to resolve problems at the earliest opportunity. It is BLGC's target that the informal stage should last no longer than five working days.

The principal aim is to enable problems to be resolved without recourse to the more formal process. However, the informal stage must never be used as a device to prevent or dissuade people from making a formal complaint.

## 6.4 Formal Stage

All formal complaints should be submitted in writing either by the individual concerned or by someone acting on their behalf to the Chief Executive Officer (CEO) who will allocate the matter to a relevant manager.

All formal complaints will be acknowledged by a written reply within three working days after the complaint has been received, to inform the person of the process, and identify the responsible investigating manager.

The investigating manager should offer to discuss with the complainant, at a time and place to be agreed with the complainant, the manner in which the complaint is to be handled and the period ("the response period") within which the investigation of the complaint is likely to be completed; and the response is likely to be sent to the complainant. If the complainant does not accept the offer of a discussion, BLGC will determine the response period and notify the complainant in writing of that period.

The manager responsible will investigate the person's complaint, which should consider only the substantive issues raised by the complainant.

### **This could require the following information**

- Details of complaint.
- Evidence relating to the complaint.
- Dates, times, places and people involved/key events.  
Names of any witnesses.
- Relevant papers, reports, emails, letters etc.
- Evidence of how the matters under investigation have affected the complainant.
- Any indication of what the complainant ought to expect as an outcome of the investigation.

During the investigation the manager responsible will keep the complainant informed as far as

reasonably practicable, as to the progress of the investigation.

The investigation should be concluded within 28 days from the letter of acknowledgement to the complainant.

This should take the form of a written report from the manager responsible which should address the issues raised by the complainant and identify any actions taken or future actions resulting from the investigation. If the investigation identifies other areas of concern whilst investigating a complaint then these should be investigated or addressed under the appropriate procedure e.g. disciplinary procedure, capability procedure, they should not be addressed under the complaints procedure.

The response should be written in plain language (which should be translated as appropriate should the complainant not have English as a first language)

- The response should be balanced and fair
- The use of jargon and acronyms should be avoided
- The response must address all the issues raised by the complainant
- An explanation of any planned actions should be included
- If the complaint is not upheld, this should be explained clearly and a reasoned argument for the decision included in the response.

## 6.5 Review Stage

If the complainant is dissatisfied with the outcome from the investigation the CEO will arrange for the matter to be presented to a Review Panel.

The complainant should register the request for a review within 14 days of receiving the written report resulting from the formal investigation, outlining their reasons.

The Review Panel will consist of

- Chairperson of BLGC's Board of Trustees or another Trustee in their absence
- Independent Person
- CEO

The role of the panel is to re-examine the decision within 28 days from receipt of the complainant's letter requesting a review.

Members of the panel will need to have access to background information and documentation in order to come to a final decision, including interviews with relevant people involved in the matter under investigation.

The outcome from the review panel will be final and recorded in the form of a written report to be made available to the complainant and manager responsible for the formal stage.

## 7. Further Appeals

If the complainant feels the response from the CEO was not appropriate or has not been resolved to their satisfaction, they can complain to:

The Charity Commission for England and Wales.

## 8. Complaints Procedure - Exceptions to the normal procedure

- If a complaint is regarding the Chair of the Board of Trustees it must be investigated by the Vice Chair.
- If the complaint is regarding a Trustee it must be investigated by the Chairperson or CEO in their absence.
- If the complaint is regarding the CEO it must be investigated by the Chairperson or a delegated Trustee.

## 9. Complaints Procedure - Criminal offences / safeguarding

If the complaint involves safeguarding issues relating to children or vulnerable adults, BLGC's Safeguarding Policy and Procedures would apply and should be instigated immediately.

Should the investigation identify that criminal activity has taken place the matter should be referred to the CEO or Designated Safeguarding Lead to refer the matter to the Police.

## 10. Complaints Procedure – Confidentiality

It is essential to maintain confidentiality at all times during the investigation. The Data Protection legislation classifies complaints documentation as personal data. Complainants are able to request copies of their complaint file in the same way as they can request access to other records.

Complaints documentation should be retained for five years after the last entry. These should be treated as confidential documents.

## 11. Compliments Procedure

BLGC values positive feedback about staff and the services it provides.

Consequently, each compliment will be recorded.

Each compliment will be responded to on behalf of BLGC by an appropriate manager.

The manager will also ensure that the compliment is made known to the individual(s) concerned.

Where appropriate, the manager will ensure that the compliment is more widely publicised – for example, via BLGC's website, internal newsletter, via Twitter/Facebook, and even via the local media.

## 12. Comments Procedure

BLGC values constructive comments about staff and the services it provides.

Consequently, each comment will be recorded.

Each comment will be responded to on behalf of BLGC by an appropriate manager.

The manager will also ensure that the comment is made known to the relevant individual(s) and/or



project/service teams.

## 13. Vexatious and Malicious Complaints Procedure

Vexatious and malicious complaints can be very difficult to identify. Largely, this must be a matter of professional judgement for the investigating manager. However, once identified, such complaints should be tackled as soon as possible.

The grievance policy should be followed but managers may conclude as part of their investigation or decision that the complaint is vexatious and / or malicious. Managers may also seek to limit the scope of the complaint to what is reasonable and relevant to the complaint itself.

The mere fact that an individual has brought a number of complaints in the past is not of itself sufficient grounds for refusing to consider a complaint if it raises new matters.

BLGC should not treat anyone less favorably or subject them to a detriment because they have brought a complaint. This applies even where they are suspected to be vexatious, malicious or otherwise.

Each case must be considered on its merits, be evidence based and investigated, as appropriate. Any mitigating factors must be taken into account (for example, stress, physical and mental illness, or certain behaviours which may be outwards symptoms of underlying workplace problems such as bullying, harassment or discrimination) as these may have a significant bearing on the case.

Following an investigation and before reaching a decision whether a complaint is vexatious or malicious, managers should seek advice from the Director of People and Culture.

Vexatious or malicious use of the grievance procedure will not be tolerated. If there is evidence that an employee is making vexatious or malicious use of the grievance policy, the matter will be investigated under the disciplinary procedure.

## 14. Monitoring Reporting and Learning

The nature of complaints, compliments and comments will be monitored and will form part of an annual review to help inform the organisation's planning and service development and contribute towards evidencing the impact it makes to the lives of its customers.

BLGC's Board of Trustees will be provided with information on compliments, comments and complaints through the quarterly monitoring process. Along with information on how they have been dealt with and any changes implemented as a result.

For complaints, the annual report will;

- (a)** specify the number of complaints which the organisation received;
- (b)** specify the number of complaints which the organisation upheld fully or partially;
- (c)** specify the service area where the complaint originated
- (d)** summarise the subject matter of the complaints that BLGC received
- (e)** Identify any matters of general importance arising out of those complaints, or the way in which the complaints were handled
- (f)** Identify any matters where action has been or is to be taken to improve services as a consequence of those complaints.

## 15. Equality and Diversity

Information about BLGC's Complaints, Compliments and Comments Procedure can be made available on request in different formats such as large print, Braille, audio cassette tape, on disk or in different languages.