



**Policy and procedure for  
investigating and dealing with  
complaints from service users  
and / or those acting on their  
behalf.**

**November 2011**

## **Complaints policy and procedure**

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This document outlines the principles of Victim Support's policy about complaints from people using our services and the process and procedures that will be used following such a complaint.

It does not apply to internal grievance and disciplinary processes that are dealt with elsewhere.

## **Victim Support's policy in relation to complaints:**

### **1. Purpose**

The purpose of this document is to clarify the process that should be applied if there is a complaint about the service offered by Victim Support. It does not cover any internal complaints procedures that should be addressed by the grievance policy.

This policy should be applied across the organisation in a consistent and transparent way. We aim to treat any complainants in a manner consistent with our key values.

### **2. Principles of the policy**

This policy is underpinned by Victim Support's values.

All complaints about our service will be taken seriously and thoroughly investigated.

Complainants will, at all times, be treated with respect and courtesy and kept informed about the progress of any investigation.

The process will:

- Be fair and transparent to all parties: complainant, staff and volunteers
- Aim to resolve any complaint in a timely and effective way
- Aim to improve services in the future: it is an iterative process
- Be clear and easy to understand and access particularly taking into account those who may not be able to access traditional contact methods or who may have communication issues
- Be based on the provision of timely and accurate information to all interested parties
- Be confidential so that people can speak freely and so that best evidence will be available
- Be subject to ongoing monitoring to make sure that it is being applied consistently in an effective way throughout the organisation

### **3. Definition**

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 where the service user does not wish to pursue a formal process but wishes to have a concern acknowledge and addressed

b) a formal complaint (which should, usually, be in writing) or  
In both cases the complaint must be acknowledged and recorded. In the case of a formal complaint the procedure outlined below must be followed.

#### **4. Timescale**

The usual timescale for making a complaint is six months from the date when the incident takes place or comes to light. However, in very serious cases or where the complainant is particularly vulnerable, this timeframe may be extended. A formal process would not usually be undertaken after a calendar year has elapsed – this will be at the discretion of the relevant Corporate Director.

#### **5. Access (making a complaint)**

Making a complaint is not always an easy thing to do. It is important that people feel able to voice their concerns and complaints and that they can be assured that they will be taken seriously and treated fairly. Victim Support staff should make it clear that they will be given time and a fair hearing. Complainants should always be offered the opportunity to attend any meetings with a friend of their choice and, if they so wish, appoint someone as their agent to manage the process on their behalf.

#### **Procedures for making a complaint**

##### **6. Informal complaints**

If a service user raises a complaint it is important that they are given the option of making a formal complaint or having their complaint dealt with informally. This will often rely on the gravity of the complaint though this may not always be the case. An explanation of the options should be offered to the complainant as soon as the complaint has been lodged.

If the complainant wishes to pursue the matter informally they should be advised that the complaint will be overseen by the relevant divisional manager (unless the complaint is about the divisional manager in which case the appropriate locality director will have responsibility).

The issue should be clarified and an agreed timeframe for informal resolution set. This should be communicated to the complainant in writing and they should be apprised of the process and expected resolution date within five working days.

The issue should be resolved within ten working days.

If the complainant is satisfied with the response the case may then be closed. Details of the complaint, however, should be kept and become part of an annual review of complaints that will be undertaken by each division, locality and, on behalf of the whole organisation, by the corporate management team.

A decision to proceed to a formal complaint should be made by the complainant.

## **7. Formal complaints**

All formal complaints will be sent to the office of the CEO for allocation. Formal complaints will receive an acknowledgement from the relevant corporate director. If the complaint is about a corporate director it will be acknowledged by the CEO.

A complainant may choose to make a complaint by: telephone, email, letter or via the Victim Support Website.

If the complaint is formal it should, ordinarily, be put in writing. Details of how to make a complaint are available on the Victim Support website.

## **8. Acknowledgement**

All formal complaints will be acknowledged by written reply within 20 working days of receipt; this will come from the office of the CEO. All complaints will be logged and the date of receipt and acknowledgement recorded.

## **9. Investigation**

A formal complaint will be allocated to the appropriate corporate director for action. The CD will allocate the complaint to an appropriate manager who will determine who carries out the investigation. A date will be agreed for a draft response to go to the complainant. The investigation must be managed by the investigating manager regardless of which member of staff actually carries out the detailed investigation. If, after the matter is not resolved to the complainants' satisfaction it will pass back to the CD for further investigation.

If necessary it will be escalated to the CEO and, should it still remain unresolved, the Board of Trustees. Any decision by the board (or delegated member(s)) will be final. If the complaint is about a corporate director it will be investigated by the CEO. If the complaint concerns the CEO it will be investigated by the Chair of trustees.

## **10. Carrying out the investigation**

The investigation must be appropriate to the complaint and consider only the substantive issues raised by the complaint.

The investigating manager must ensure that the following information is available to the investigator:

- Details of the complaint
- Evidence relating to the complaint
- Dates, times, places and people involved | key events
- The names of any witnesses
- Relevant papers, letters etc
- Any evidence of how the matters under investigation have affected the complainant or impacted on Victim Support
- Any indication of what the complainant might expect as an outcome of the investigation

No one may investigate a complaint against his or herself

## **10. Response to the complaint**

The written response to the investigation should be drafted in the name of the corporate director who allocated the complaint

The response should address the issues raised by the complainant and identify any remedial actions taken. The response should be written in plain language (and should be translated into appropriate language should the complainant not have English as a first language)

The response should be balanced and fair.

If any technical language is used it should be clearly explained. 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 action 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.

## **11. Appeals**

The response to a complaint must advise the complainant that they have the right to have the matter looked at again (i.e. appeal against the decision). The complainant may believe that:

- The substantive matter(s) of the complaint has not been addressed
- The outcome is unsatisfactory
- The process of investigation was flawed and unfair

If the complainant raises any of the above the CEO will order a review to be overseen by an alternative corporate director. In addition the CEO may order an investigation into how the original complaint has been handled.

If the outcome of any further investigation is still not satisfactory to the complainant they have the right to have the complaint considered by a trustee. The decision reached at this stage of the process is final.

## **12. Exceptions to the normal procedure**

If the complaint is about the chair of the board of trustees it must be investigated by the vice chair

If the complaint is about a trustee it must be investigated by the Chair

If the complaint is about the Chief Executive it must be investigated by the Chair or a delegated trustee.

## **13. Criminal offences**

If any investigation gives rise to concern that a Victim Support staff member, volunteer or trustee has been engaged in any criminal activities the corporate director, assistant CEO or CEO may refer the matter to the police.

#### **14. Disciplinary action**

This policy covers complaints and not disciplinary matters. If investigation of a complaint raises concerns about an employee or volunteer then the relevant director may choose to begin a disciplinary process. Any evidence gathered during the complaints investigation may be used in such a process.

#### **15. Confidentiality**

It is essential to maintain confidentiality at all time during a complaints investigation. The Data Protection Act 1998 classifies complaint documentation as personal data. Complainants are able to request copies of their complaint file in the same way as they request access to other records.

All documentation of any kind relating to a complaint should be retained for five years after the last entry in the record. These should be treated as confidential documents and kept separate from other records.

#### **16. Recording**

A central database of complaints will be maintained to log and record all complaints (formal & informal) along with incidents of when services have been withdrawn. Corporate directors (and their offices) will have access to this database; it will be maintained centrally at National Centre.

#### **17. Monitoring and reporting**

The number of complaints will be monitored and reported on by the Assistant Chief Executive. This will take place on a quarterly basis and reported to the Corporate Management Team.

#### **18. Legal proceedings**

If the complainant has either instigated formal legal action, or notified intent to do so in writing, the complaints procedure should be stopped. The complainant and any person identified in the complaint should be advised accordingly.

#### **19. Withdrawal of service**

It may, on occasion, be necessary to withdraw our services from a client. If a victim or witness acts inappropriately (threatening behaviour) or is in need of specialist support it is appropriate for the relevant divisional manager to withdraw the services of Victim Support. It is possible that this decision may lead to a formal complaint so any decision to withdraw a service will need to be recorded on the complaints database so that the information is readily available should an investigation be generated.