

# COMPLAINTS, COMPLIMENTS AND COMMENTS POLICY & PROCEDURE

Procedure Name: <b>Compliments, Comments &amp; Complaints Policy</b>	Issue date: <b>March 2023</b>	Version No: <b>5</b>
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## Procedure Control/Monitoring

<b>Approved by: (Position in Organisation)</b>	Acting CEO
<b>Date:</b>	March 2023
<b>Role Responsible: (Position in Organisation)</b>	Director of Business Development, Quality and Performance
<b>Revision Cycle:</b>	Every two years.
<b>Brief details of amendments made</b>	Update to reflect Governing Board responsibilities
<b>Association of National Guidance:</b>	<p>Education Act 2002 – Section 29: Additional Functions of Governing Body  <a href="https://www.legislation.gov.uk/ukpga/2002/32/section/29/enacted">https://www.legislation.gov.uk/ukpga/2002/32/section/29/enacted</a></p> <p>Care Quality Commission Fundamental Standards – Regulation 20: Duty of Candour  <a href="https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-20-duty-candour#guidance">https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-20-duty-candour#guidance</a></p> <p>The Fundraising Regulator - <u><a href="#">Complaints Handling Guidance for Charities</a></u></p>

## Equality Impact Assessment

This document forms part of Percy Hedley’s commitment to create a positive culture of respect for all staff and service users. The intention is to identify, remove or minimise discriminatory practice in relation to the protected characteristics (race, disability, gender, sexual orientation, age, religious or other belief, marriage and civil partnership, gender reassignment and pregnancy and maternity), as well as to promote positive practice and value the diversity of all individuals and communities. As part of its development this document and its impact on equality has been analysed and no detriment identified.

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Version Number	Date
1	April 2018
2	May 2019
3	June 2020
4	January 2021
5	March 2023

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## Appendices

### Appendix1 – The Process

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## 1. Introduction

We always aim to provide a high standard of care in all our services. Our service users' views and the views of their families are important to us and help to ensure our services are consistently meeting people's needs. We therefore like to hear from anyone with compliments, suggestions, or concerns so we continue to learn and ensure our services improve. If you are unhappy with any of our services, it is important that you let us know. Where concerns are raised, we aim to resolve these as quickly as possible and ensure there is a clear and transparent process for escalation should that be necessary.

The Foundation will ensure the appropriate statutory (legal) requirements are met when dealing with a complaint and this policy must be read in conjunction with these requirements.

### Care Quality Commissions Fundamental Standards

#### Regulation 20: Duty of Candour (March 2015)

The Duty of Candour is a statutory (legal) duty for all care providers to be open and honest with people who use services (and people acting lawfully on their behalf), and stipulates specific requirements providers must follow when something goes wrong in care and treatment, that appears to have caused or could lead to significant harm in the future.

Such specific requirements include informing people about the incident, providing reasonable support, giving truthful information, and apologising when things go wrong. Providers must promote a culture that encourages candour, openness, and honesty at all levels.

Failure to comply with the duty of candour, may result in regulatory action from the CQC and, in the most serious or persistent cases, criminal prosecution.

### Children's Act 2002

#### Section 29: Additional Functions of Governing Body

Under Section 29 of the Education Act 2002 Governing Bodies are required to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. Complaints are not restricted to parents or carers of current pupils; they could also come from a member of the wider community or an ex-pupil.

The law also requires that the school's procedure is publicised, and the Governing Body must decide the most effective way to do this.

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## The Fundraising Regulator

The Fundraising Regulator is the independent regulator of charitable fundraising in England, Wales, and Northern Ireland.

The Fundraising Regulator deals with complaints about fundraising in England, Wales and Northern Ireland, and fundraising in Scotland where it is carried out by charities registered primarily with the Charity Commission for England and Wales or the Charity Commission for Northern Ireland.

Where a complaint cannot be resolved by the organisation the Fundraising Regulator will investigate. The Regulator will consider whether the fundraising organisation has complied with the **Code of Fundraising Practice** (the code), which outlines the legal requirements and best practice expected of all charitable fundraising organisations across the UK.

If a complaint alerts us to possible abuse or neglect, we will deal with this through our safeguarding policies and procedures.

If concerns are raised about unsafe practices or the conduct of others in the organisation, individuals will also be directed to our 'Whistleblowing Policy' which sets out the ways in which individuals may raise such concerns and how those concerns will be dealt with.

## 2. Sharing a compliment

Please share positive experiences with us and tell us when we have exceeded expectations. It would be ideal to speak to the Manager of the service or their Deputy as soon as possible, complete one of our feedback postcards located in our Residential Services or use the email address **comments@percyhedley.org.uk**, which is managed centrally and shared with the local services as appropriate.

## 3. Making a suggestion or comment

Often people feel more comfortable about suggesting improvements rather than complaining formally. Anyone receiving services, and their friends/family, may make a suggestion or comment. You can speak to the Head or Manager of the service or their Deputy, complete one of our feedback postcards located in our Residential Services, use our suggestion boxes or if you would rather make your suggestion electronically, by using the email address **comments@percyhedley.org.uk**. This email address is centrally managed, suggestions will be forwarded to the specific service area as necessary.

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## 4. Making a complaint

We aim to handle complaints quickly, effectively and in a fair and honest way. We take all complaints seriously and use valuable information from investigating to help us improve the service we provide. Feedback is important to help us raise standards and all parties should feel that any concern can be voiced and taken seriously. We treat all complaints in confidence.

The Percy Hedley Foundation assures service users and their families that it will not withdraw or reduce services because someone makes a complaint in good faith.

The complaints procedure will:

- Encourage resolution by informal means
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial and non- confrontational
- Ensure a full and fair investigation of the issues raised
- Respect confidentiality
- Ensure swift responses within time limits
- Feed into senior leadership discussions and quality monitoring processes

## 5. Who can complain?

Anyone affected by the way the Percy Hedley Foundation provides services can make a complaint including members of the public.

A representative may complain on behalf of the affected person if they:

- cannot make a complaint themselves, or
- have given consent for the representative to act on their behalf, or
- have died and you are raising a complaint on their behalf.

Representatives include: advice organisations, local authorities, professionals such as social workers, community nurses, doctors, solicitors, family members or friends; MP's and elected members of the Council; and those with Power of Attorney are legally empowered to act on behalf of the complainant.

If you are not happy about making a complaint yourself and you do not know someone who can talk or write to us on your behalf, we will be happy to find someone to act as an advocate for you.

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## 6. How you can make a complaint

You can complain:

- in person
- via our feedback postcards and suggestion boxes
- in writing addressed to:  
For the attention of Corporate Quality Manager  
Percy Hedley Foundation  
Station Road  
Forest Hall  
Newcastle upon Tyne  
NE12 8YY
- by telephone  
through an advocate or representative by e-mail to [\*\*complaints@percyhedley.org.uk\*\*](mailto:complaints@percyhedley.org.uk) or your local contact in the service.  
Should the complainant wish to obtain further information regarding the communication of their complaint, such queries should be forwarded to the Corporate Quality Manager in the first instance. (Note: this email is manned centrally and accessed by a small number of staff, however any details should be kept to a minimum to ensure appropriate confidentiality.)
- To the School or College Governing Body these should be addressed to the Chair of Governors and sent to [\*\*complaints@percyhedley.org.uk\*\*](mailto:complaints@percyhedley.org.uk)

### Formal complaints to a Governing Body representative

- If a Governor receives a complaint directly, they will the Executive Director and agree next steps. This will be in line with the above formal complaints process. It is important to ensure that earlier stages of the process and steps to resolve the complaint have been exhausted.

## 7. Anonymous complaints

We deal with anonymous complaints under the same procedure; however, it is better if you can provide contact details so we can tell you the outcome of our investigation.

## 8. Responsibility

The service Leadership Team (Registered Manager, Deputy Head Teacher of school, or Duty Principal of college) would normally be the first point of contact for dealing with all complaints (Stage 1) made about their service and they should seek to solve the problem immediately wherever possible.

If a complaint is directly related to the individual Registered Manager, Head Teacher of school, or Principal of college, refer to section 9 of this policy which outlines the escalation process to the relevant Service Director/Chief Executive.

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## 9. How we handle complaints

### 9.1 Informal Complaints or resolving concerns (Stage 1)

Most issues and complaints can successfully be dealt with informally and it enables us to respond as early as possible and we encourage this approach.

An informal complaint is an approach by an individual or on behalf of an individual to a member of that specific services' leadership team/registered manager, expressing dissatisfaction with some aspect of the service, its action or inaction. Informal complaints, however made, are complaints which are usually resolved quickly and simply and do not involve detailed or lengthy investigation.

If the complaint is justified, this will result in an apology, an explanation, an admission that the situation could have been handled differently or an assurance that the incident will not reoccur.

A response should be provided within a maximum of ten working days from the date the complaint/concerns was received. If we are unable to respond within the timescale, we will explain any reasons for the delay.

Anyone making an informal complaint will be given information regarding follow-up procedures, in the event that they are dissatisfied with the outcome of their initial complaint/concern and wish to take the matter further through the formal complaints process. Managers may also choose to escalate the complaint at any time.

### 9.2 Formal Complaints (Stage 2)

A complaint becomes formal when the person remains dissatisfied after making an informal complaint/concern or, alternatively, when from the outset, a complaint cannot be dealt with simply and quickly and requires investigation.

The formal complaint should be sent in writing marked 'Formal Complaint' to the specific services' senior manager (Head of Service/Head Teacher/College Principal), providing instruction on the preferred method of response (i.e. phone call, email, etc).

A written acknowledgement (Appendix 2) of the complaint will be provided within two working days, with a target date of 15 working days to provide a response.

If it is not possible to resolve matters in this timescale an explanation will be given with revised dates. The Senior Manager scheduled to hear the complaint will appoint the most appropriate independent person to undertake an investigation into the complaint. The findings of this investigation will be made available to the Senior Manager prior to hearing the formal complaint.

When a complaint becomes formal, care will be taken to:

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- Clarify the complaint.
- Clarify the outcome sought.
- Give the complainant the name of the person dealing with the complaint
- If the complaint is being made on behalf of an individual by a representative it must first be verified that the person has permission to speak on behalf of the individual, especially if confidential information is involved. This **MUST** be done in writing, with confirmation of the representative's identity and relation to the individual.  
It is very easy to assume that the representative has the right or power to act on behalf of an individual when they may not. If in doubt, it should be assumed that the individuals' explicit permission is needed prior to discussing the complaint with the advocate.
- Check whether the complainant needs support of any kind to understand the investigation procedure.
- Monitor the progress of the complaint by the involvement of a suitable Senior Manager of the Percy Hedley Foundation.
- Provide a full response in the agreed medium within 15 working days or, where this is not possible, send a preliminary reply indicating progress to date and an estimate of time to make a full response.
- When we have finished investigating, we will arrange to meet with you to discuss the outcome and/or write to you with:
  - details of the findings;
  - any action we have taken; and
  - our proposals to resolve your complaint.

At this arranged meeting, the complainant should be advised that they may, if they wish, bring a friend, relative or a representative such as an advocate.

- Advise the complainant how to proceed if not satisfied.
- If legal action is implied, threatened or formally commenced at this stage, any response to the complainant by the Foundation under the complaint's procedure should cease immediately, however the investigation will continue internally.

### 9.3 Formal Complaints (Stage 3)

If the complainant feels that the complaint/concern has not been satisfactorily resolved at Stage 2, they can request that the complaint is reviewed by and Executive Director.

The request for Executive Director review should be acknowledged (see Appendix 2) within five working days of receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.

The Executive Director may investigate the facts of the case themselves or delegate a suitably senior person to do so.

In the case of a stage 3 complaint within Education, the Executive Director will inform the Chair of the Governing Body so that a complaints panel can be established comprising school governors.

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In all cases the consideration of a stage 3 complaint may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage 1 and/or Stage 2. The person who dealt with the original complaint at Stage 1 and/or Stage 2 should be kept informed of what is happening.

If the complaint relates to a specific person, they should be informed and given a further opportunity to respond. Ideally complainants should receive a definitive reply within a month. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given. Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

The decision taken at this stage is final, unless the Executive Director decides it is appropriate to seek assistance with resolution from the Chief Executive, Governing Body or Chair of Trustees.

In the case of complaints regarding our Education services, if the complainant is unsatisfied with the outcome, they can refer the complaint to the Department for Education (DfE). The DfE will not re-investigate the complaint, but will look at whether:

The school/college followed its complaints policy and any other relevant statutory policies  
The Foundation's statutory policies comply with education legislation. The DfE may take one of the following steps:

- Explain the legislative framework and what it means in practice at the school/college level
- Recommend improvements to statutory policies

#### 9.4 Serious Maladministration

A complaint of serious maladministration should be progressed immediately as a formal complaint.

The Chief Executive of The Percy Hedley Foundation should be the first person to approach where the matter could involve disciplinary or legal action against Senior Managers or if there is any suspicion of financial irregularity.

If the complaint relates to the actions of the CEO the complaint should be raised with the Chair of the Foundation.

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## 9.5 Organisational learning

Summary details of all complaints, the outcomes of any investigations, any shortcomings in the establishment's procedures and identified actions will be considered by the Percy Hedley Foundation's Executive team and relevant committees including Governing Bodies.

## 9.6 Time limits

You should complain as soon as you can after the date on which the event occurred or came to your notice. If you complain more than 12 months later, we may not be able to investigate properly. But we shall also consider whether you had good reason for not making the complaint sooner and whether, despite the delay, it is still possible to investigate the complaint effectively and fairly.

## 10. Withdrawing a Complaint

Complaints may be withdrawn in writing at any time. The complainant must communicate the decision to do so via the same process as making the complaint in the first place. Or, if the complaint has progressed and the complainant is dealing directly with a named person, communication to withdraw can be given to that Foundation representative.

If a complaint has been withdrawn, the Head Teacher, College Principal, Head of Service, Directors and/or Chair of Governors/Board may wish to review the issue of concern and consider whether further investigation is required through other internal management systems.

Occasionally the Foundation may regard the complaint as unreasonable when the person making the complaint:

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
- Seeks an unrealistic outcome
- Has a history of making unreasonable complaints
- Makes frequent, lengthy, complicated, and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if it is:

- Malicious
- Aggressive
- Includes threats, intimidation, or violence
- Abusive, offensive or uses discriminatory language
- Knowingly false.

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In these circumstances, the Head Teacher, College Principal, Head of Service, Director and/or Chair of Governors/Board may wish to liaise with legal services, police and/or the LA key personnel before deciding what action to take.

The presumption should be in favour of not restricting access to our services unless it is absolutely necessary. The Foundation may consider:

- Warnings/contract re future conduct
- Restricting telephone calls to a particular day/time or person
- Restrictions on methods of contact (e.g. in writing only)
- Not acknowledging future correspondence that does not present new information
- Temporary suspension of the person's access to the complaints system.

The complainant will be informed in writing of any action taken and how long the action will last. They must be advised how to contact the Local Government Ombudsman and/or the Charity Commission.

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## 11. Further steps

At any stage during the process, if you are not happy with the way the service is dealing with your complaint you can contact:

Head Teacher of School or Principal of College - any issues (including safeguarding) within school and college services at the three locations.

Registered Manager – any issues (including safeguarding) within Children’s or Adults Residential services, at all locations

Chief Executive Officer - for any overall Foundation matters or any issues within school and college services that have not been dealt with by a Head Teacher of School or Principal of College.

Director of Care and ISL – for any matters or issues within Adult’s Residential Services (including Safeguarding) which have not been dealt with by the Registered Manager.

Director of Resources – any matters or issues relating to financial, legal or business-related issues, fundraising events or activities, or Foundation-wide Estates, Facilities, and IT.

Director of Business Development, Quality and Performance - any matters or issues relating to Human Resources, Health & Safety, social media presence and communications, or data, quality, and compliance.

All communications can be directed to the above Foundation representatives at:

Percy Hedley Foundation  
Central Services  
Station Road  
Forest Hall  
Newcastle upon Tyne  
NE12 8YY

Or via e-mail: [complaints@percyhedley.org.uk](mailto:complaints@percyhedley.org.uk)

## 12. Unresolved Complaints (Appeal Stage)

The documentation relating to the complaint will be passed to the Chief Executive of The Percy Hedley Foundation who will decide how the complaint is to be progressed.

The Chief Executive will ensure all parties to the complaint are given an equal hearing and will work towards finding a mutually acceptable way forward.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same

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issue, the CEO can inform them that the procedure has been completed and that the matter is now closed.

The Foundation is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed

### 13. Reporting

Tracking and reporting on complaints will be done routinely with reporting to the Executive Team, Governing bodies, and Board of Trustees on a regular basis.

External bodies such as Ofsted, Care Quality Commission, Charity Commission, Health and Safety Executive, Information Commissioners Office (or other similar regulatory bodies) will be informed as required, given the complaint raised and as detailed in other Foundation policies.

### 14. Data Retention

Details of complaints will be stored and retained in line with the Data Protection Act 1998 and/or the General Data Protection Regulations, as applicable, and the Foundations Data Retention Policy.

The retention of complaints received will be dependent on the type of complaint and severity, sensitivity, and complexity. The Foundation's Data Retention Schedule is available upon request from the Foundation's Data Protection Officer, contactable via email at [dpo@percyhedley.org.uk](mailto:dpo@percyhedley.org.uk).

### 15. Monitoring and Compliance

Overall responsibility for the operation of the policy lies with the Director of Business Development, Quality and Performance. The effectiveness of the policy will be formally reviewed and monitored to ensure that it continues to meet the requirements of The Foundation, the specific service area and that it reflects best practice and statutory legislation as appropriate.

Any queries regarding this Policy should be forwarded in the first instance to the Foundations Corporate Quality Manager via the email address [complaints@percyhedley.org.uk](mailto:complaints@percyhedley.org.uk)

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## 16. Associated Policies and References

### National Guidance

Education Act 2002 – Section 29: Additional Functions of Governing Body

<https://www.legislation.gov.uk/ukpga/2002/32/section/29/enacted>

Care Quality Commission Fundamental Standards – Regulation 20: Duty of Candour

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-20-duty-candour#guidance>

The Fundraising Regulator - Complaints Handling Guidance for Charities

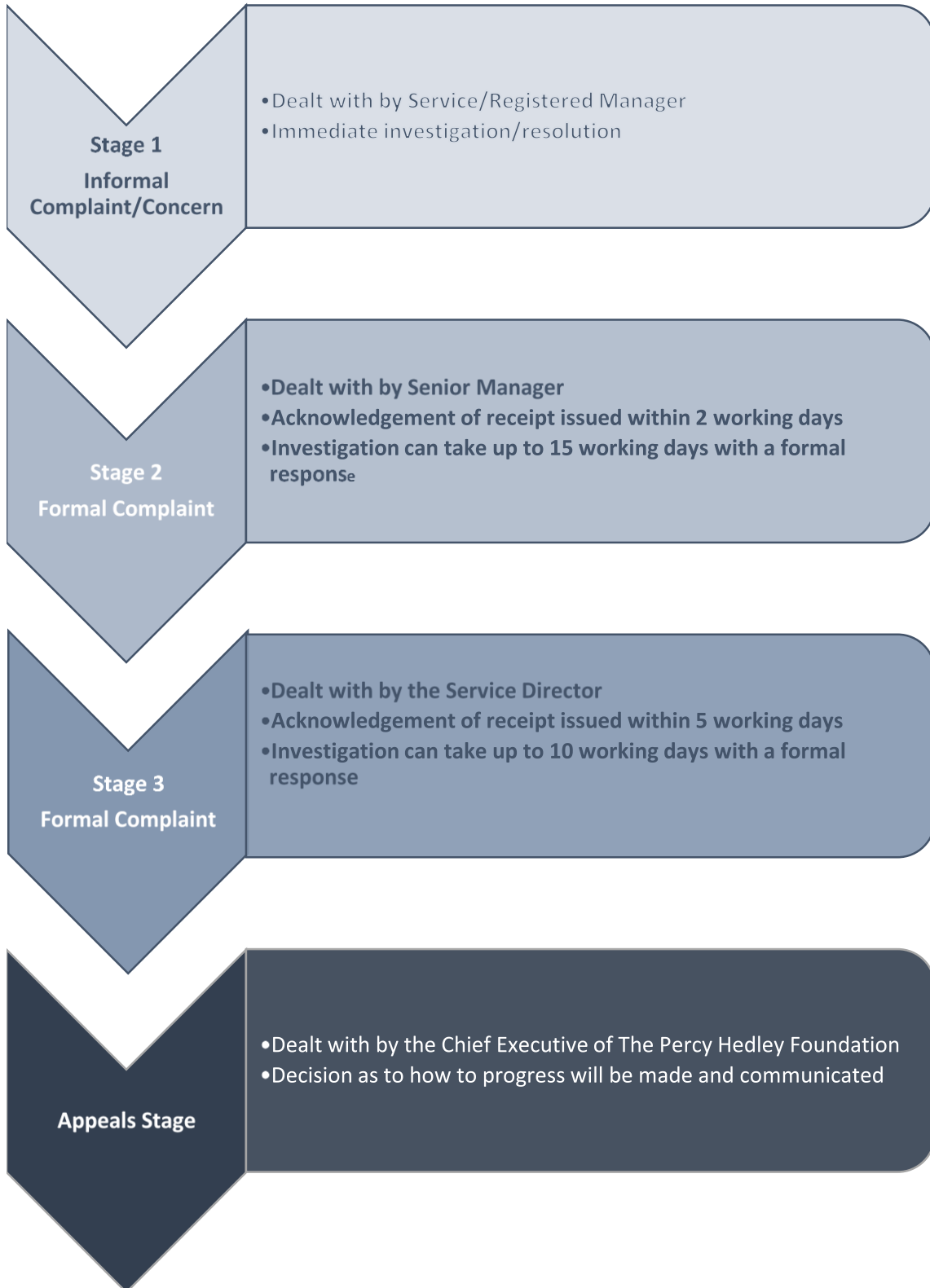
### Associated Policies:

Duty of Candour

Whistleblowing Policy

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## Appendix 1 – The Process



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