

# **Complaints Policy and Procedures**

## Contents

1. Introduction:-	3
1.1. Aims	4
1.2. Definition of a complaint or concern	4
1.3. Scope of the Policy	5
2. Who can make a complaint?	5
3. Complaints that cannot be dealt with under this policy	6
4. How to complain	6
5. Informal Complaints	6
6. Timescales for making a complaint	6
7. The complaint process	7
7.1. Stage 1	7
7.2. Stage 2	8
7.3. Stage 3	9
8. Handling Verbal Complaints	9
9. How complaints will be recorded and used constructively	9
10. Monitoring and reporting	10
11. Confidentiality	10
12. Consent	10
13. Exceptions to the policy	10
14. Safeguarding	11
15. Distribution	12
16. Quality Assurance	12
17. Equality Impact Assessment	12
18. Compliance and Review	12
19. Malicious Complaints	12
20. Persistent and Unreasonable Contact	13
21. Associated Documents	13
22. References	13
Appendices: -	
• Appendix 1 – Complaint Form	14
• Appendix 2 – Investigating Employee and Responsibilities	14
• Appendix 3 – Guidance for dealing with persistent and / or unreasonable contact	16

## 1. Introduction

This document outlines the Royal Free Charity's commitment to managing complaints in relation to the service provided by the Charity. It also provides information about how we manage, respond to and learn from complaints made about our services.

We recognise that occasionally service users, volunteers, donors, etc. and their representatives may be dissatisfied or concerned about their interactions with the Charity or the services it provides and we hope that problems can be reconciled between the parties concerned.

If not, we will manage any complaint promptly, thoroughly, impartially and sympathetically as per the details and procedures contained within this document.

All complaints will be dealt with in strict confidence.

The Charity's complaint process meets the requirements of the Fundraising Regulator, who is the charity sector's independent, non-statutory body that regulates fundraising across the charitable sector in England, Wales and Northern Ireland. As a member of the scheme, we follow the Fundraising Regulator's 'The Code of Fundraising Practice'.

The Charity will treat complaints seriously and ensure that complaints, concerns and issues raised by service users, volunteers, donors, etc. and their representatives are properly investigated in an unbiased, non-judgemental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant by the investigating officer, see Appendix 1 for list of officers.

Our policy aims to take into account the key issues when addressing a complainant<sup>1</sup> needs, these include:-

- provide a fair complaints procedure which is clear and easy to use
- ensure the Charity's complaints procedure is freely available so that people know how to make a complaint
- ensure that all complaints are investigated in a timely manner
- make sure that all complaints are, wherever possible, resolved quickly, fairly and effectively and that relationships are repaired
- provide the complainant with step by step instructions how to complain
- provide a fair complaints procedure ensuring the complainant feels their complaint is being dealt with seriously
- ensuring the complainant understand that their concerns will be investigated and they will be informed of the findings of that investigation
- that the Charity will learn from complaints, feedback and praise and apply those lessons whilst also learning from and sharing best practice

The Charity is happy to receive a complaint through an advocate or representative, if they know the full details relating to the case. If someone else writes the complaint on the complainant's behalf the complainant should sign the report to confirm that the contents are accurate and true.

---

<sup>1</sup> Wherever we refer to a complainant we also mean their authorized representative

## 1.1 Aims

The Charity is committed to supporting all Royal Free London NHS Foundation Trust patients, staff and visitors to make today feel better and to enable them to have the best experience when visiting or using Charity services.

The policy aims to offer redress to substantiated complaints and to enable the Charity to revise and review practices and correct any shortcomings that are within the Charity control in response to concerns.

We will ensure that service users, volunteers, donors, etc. and their representatives can seek advice, provide feedback, or make a complaint about the services we deliver or the policies, guidelines etc. we have developed and implemented.

An effective complaints management system is a proven way of maintaining and building relationships with the service users, volunteers, donors, etc. and their representatives of the Charity.

Handling complaints transparently and well:-

- Demonstrates the Charity's commitment to our service users, volunteers, donors, etc. and their representatives and others
- Demonstrates the Charity's commitment to providing the best possible service
- Helps the Charity to find out about problems so we can fix them
- Helps the Charity learn by its mistakes and prevent the same issue happening in the future

We recognise that whilst a few complaints may be vexatious and / or unfounded, the majority are made because the person making the complaint actually cares about the Charity and the services it provides / delivers. We understand that a person's perceptions cannot be wrong. We will respond to how a person has perceived the situation; it is far better to receive a complaint, handle it well and thereby ensure a happy supporter / service user, then to lose donors / service users, volunteers, donors, etc. by not taking their concerns seriously. Without complaints we can often fail to appreciate our own shortcomings, so they are an important part of our operations.

## 1.2 Definition of a complaint or concern

A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the Charity, either verbal or written, and whether justified or not, which requires a response.

The British Standard (BS8543) definition of a complaint is "an expression of dissatisfaction whether justified or not". It can be further defined as "an expression of dissatisfaction, written (by post or email) or verbal (by telephone or face to face) which requires investigation, action (where appropriate) and / or follow up verbally or in writing"

Reasons for making a complaint might include:-

- a failure of an activity, service or system which affects an individual or a group of people, causing inconvenience, upset or loss
- marketing / fundraising material which is misleading, inaccurate or has caused upset or offence
- personal contact with a Charity employee or representative which was inaccurate or misleading or which has caused upset or offence

### 1.3 Scope of the Policy

This policy applies to all staff and Trustee Board members who may find themselves required to receive, initially respond to, investigate and / or resolve a complaint and ensure that learning/s are acted upon and procedures revised and implemented to avoid further complaints in the future.

This will include services such as the Recreation Club, Volunteer provision, Fundraising, Support Hub and any other service delivered and / or managed by the Charity.

## 2. Who can make a complaint?

A complaint may be made by the person who is affected by the action, or it may be made by a person acting on behalf of the service user, in any case where that person:-

- is a child (an individual who has not attained the age of 18)
  - in the case of a child, the Charity must be satisfied that there are reasonable grounds for the complaint being made by a representative of the child, and furthermore that the representative is making the complaint in the best interests of the child
- has died
  - in the case of a person who has died, the complainant must be the personal representative of the deceased. The Charity needs to be satisfied that the complainant is the personal representative, and we may request evidence to substantiate the complainant's claim to have the right to make such a complaint.
- has physical or mental incapacity
  - in the case of a person who is unable by reason of physical capacity, or lacks capacity within the meaning of the Mental Capacity Act 2005, to make the complaint themselves, the Charity needs to be satisfied that the complaint is being made in the best interests of the person on whose behalf the complaint is made
- has given consent to a third party acting on their behalf
  - in the case of a third party pursuing a complaint on behalf of the person affected, the Charity will require the following information:-
    - name and address of the person making the complaint
    - name and either date of birth or address of the affected person, and
    - contact details of the affected person so that the Charity can contact them for confirmation that they consent to the third party acting on their behalf via a Subject Access Request

The above will be documented in the complaint log and confirmation will be issued to both the person making the complaint and the person affected

- has delegated authority to act on their behalf, for example in the form of a registered Power of Attorney

- is an MP, acting on behalf of and by instruction from a constituent

If the investigating officer and / or CEO is of the opinion that a representative does or did not have sufficient interest in the person's welfare, or is not acting in their best interests, we will notify that person in writing.

### 3. Complaints that cannot be dealt with under this policy

The following complaints will not be dealt with under this policy:-

- a complaint made by an employee about any matter relating to their employment
- a complaint, the subject matter of which has previously been investigated under these or previous policies and / or guidelines
- a complaint which is made orally and resolved to the complainant's satisfaction no later than the next working day
- a simple request for removal from any of the Charity's databases
- a request for other data markers to be removed or corrected
- a change of address
- a comment or remark with no response expected / required

**Complaints related to the delivery of treatment and care by the Royal Free NHS Foundation Trust are not covered by this policy. All such complaints must be made to the Trust using its own complaints policy and procedure.**

### 4. How to complain

A complaint can be made using the following contact details:-

- By telephone: 020 7472 6677
- By email: [info@royalfreecharity.org](mailto:info@royalfreecharity.org)
- By post: Royal Free Charity, The Pears Building, Pond Street, London NW3 2PP

We will endeavour to make the necessary reasonable adjustments to receive, investigate and respond to any complaint.

### 5. Informal Complaints

If an informal complaint is made (i.e. verbally, bringing an issue to our attention but not wanting to make a formal complaint), we will respond verbally within seven working day, either in a face to face meeting or telephone conversation. This will be recorded for our records, but we will not give a written response.

All formal complaints will receive a full, written response, as detailed in this document. In either case, complaints will be taken seriously and dealt with swiftly.

### 6. Timescales for making a complaint

Complaints must be made not later than one month of the event leading to the complaint or of you becoming aware of a cause for complaint.

However, the Charity recognises that each case must be judged individually and therefore it might still be possible to investigate when there is good reason that a complaint has not been made in the above timeframe.

## 7. The complaint process

### 7.1 Stage 1

A complaint can be communicated to the Charity by any channel including telephone, mail, email, social media or in person.

On receiving a complaint, by whatever means, this will be recorded by way of the complaint recording form, detailed in appendix 1, the individual receiving the complaint will request supporting evidence from the complainant and pass the complaint form onto a member of SLT for them to (i) detail the complaint on the Charity's complaint log, (ii) allocate an investigating officer as detailed in appendix 2 and (iii) where applicable notify the relevant line manager.

The log entry will include the name and contact details of the complainant and their relationship with the Charity (e.g. service user, donor, event participant, customer or volunteer) together with details of the nature of their complaint and the date of the incident giving rise to the complaint.

The investigating officer will write to the complainant to acknowledge the complaint no later than five working days after the day the complaint is received (the acknowledgement will usually be in writing but can be verbally in some circumstances although this should be the exception rather than the norm). The acknowledgement will detail:-

- Handling of the complaint
- Timescales for responding
- Methodology of the investigation
- How the outcome of the investigation will be informed to the complainant

The investigating officer will investigate the complaint and issue a formal response within 20 working days of the complaint being received.

The complainant will be asked, if necessary, for consent for the Charity to handle the complaint in the event that the complaint requires input or investigation from parties or organisations outside of the Charity, e.g. where matters involving fraud or criminal activities, the Police will be informed without need for consent.

The investigating officer will capture relevant information about the case and ensure this is accurately recorded, including any necessary data collection.

The complainant can expect that:-

- they will be kept up to date with the progress of their complaint
- if a case has passed the 30-working day target (or the timescale agreed with the complainant is different), the complainant (and advocate if relevant) should receive an update every 10 working days thereafter the target has been surpassed. This could be by telephone, email or letter, the format should be agreed with the complainant
- they will receive a quality response with assurance that action has been taken to prevent a recurrence if the complaint is found to be merited
- they will be informed of any learning

The Charity's response to a complainant will be wherever possible by the complainant's preferred method of communication (email correspondence will only be responded to by email when the complainant has expressly requested this as their method of

communication and security measures will be implemented in line with the Charity's policy/s to protect personal information sent via email).

Once the investigating officer has concluded the report, a summary of the findings, the outcome and learnings will be sent to the complainant, will including information on the next stages of the complaint's procedure should the complainant wish to take matters further.

Where complaints involve more than one organisation, the investigating officer will lead discussions between the organisations concerned, in relation to the most appropriate organisation to take the lead in coordinating the complaint and communicating with the complainant if the complaint is to be considered as one. It is possible that each organization will handle its part of the complaint separately.

Where a complaint involving several organisations is to be processed jointly, written consent will be sought from the complainant before sharing or forwarding a complaint to another body.

As soon as it is reasonably possible after completing the investigation, and within the timescale agreed with the complainant, the Charity will send a formal response in writing to the complainant which will be signed by the investigating officer.

The response will include:-

- an explanation of how the complaint has been considered
- an apology if appropriate
- an explanation based on facts
- whether the complaint in full or in part is upheld
- the conclusions reached in relation to the complaint including any remedial action that the organisation considered to be appropriate
- confirmation that the organisation is satisfied any action has been or will be actioned
- information and contact details of the CEO / Board of Trustees as the next stages of the process, if the complainant is not satisfied with the answer

A key consideration is to ensure that each case is treated according to its individual nature with a focus on satisfactory outcomes, organisational learning and those lessons which should lead to service improvement.

The Charity is committed to quality responses and hopes at this point the issue will have been satisfactorily resolved for all parties concerned. However, if the complainant is dissatisfied with the response or with the way the complaint has been handled, the response will make clear that they should then contact the Charity again, details of this is included in Stage 2 below.

If at any time during the complaint process the complainant or their representative or advocate decides they would like to withdraw the complaint this request can be made either verbally or in writing. The withdrawal of a complaint will be acknowledged in writing.

The Charity is committed to resolving complaints and therefore will carry out regular reviews of complaints handled.

## 7.2 Stage 2

If the complainant is unhappy with the outcome of the investigation and final outcome, they may at this stage escalate the complaint to the Charity's CEO, with copies of all correspondence and case documentation. The CEO will then decide whether or not to uphold the response of the investigating officer.

Within 10 days the CEO will write to the complainant with their final decision and the reasons for it. Whether the complaint is upheld or not, the reply to the complainant should describe what action will be taken as a result of the complaint.

If the complainant is still not happy, then the case may be escalated to Stage 3, detailed below, and the complainant should be informed that this is the case.

## 7.3 Stage 3

At this stage, the complaint will be escalated to the Chair of the Trustees Board with copies of all correspondence and case documentation. The Chair of the Trustees Board will consider all the facts afresh and then decide what the final response of the Charity will be.

Within 10 days the Chair of the Trustees Board will write to the complainant with this final decision and the reasons for it.

This decision will be final. However, the complainant may contact the Charity Commission or the Fundraising Regulator for further advice if they are still unhappy.  
Confidentiality

## 8. Handling Verbal Complaints

If the complaint has been made verbally but face to face, the complainant should be given a copy of their verbal statements (which will be handwritten and signed by the individual receiving the complaint and the complainant) which is considered the formal complaint and asked to confirm that it represents the issues they wish to raise.

If the complaint has been made over the phone, this can be quite difficult for the complainant and the recipient of the call.

The Charity will aim to:-

- Remain calm and respectful throughout the conversation
- Listen – allowing the complainant to “let off steam” in their own words, though the charity will not accept abusive language
- Not enter into a debate or discussion about the merits of the complaint
- Show an interest
- Ask for clarification, if needed
- Show that the Charity has understood the complaint by confirming it back
- Acknowledge the strength of feeling of the complainant without forming a judgment about its merits before it has been investigated
- If it is obvious that an apology is warranted, then the Charity will apologise
- Ask the person what they would like done to resolve the issues, we cannot though make promises the same will be met
- Be clear about the procedure, how long it will take and what is involved
- Not promise anything that cannot be delivered
- Thank the person for taking the time to contact the Charity and stress how seriously we treat all feedback

## 9. How complaints will be recorded and used constructively

Keeping clear and accurate records of complaints is important and these should be retained for a period of six years.

All complaints the Charity receive must be recorded in a Complaints log which will include:-

- Date complaint received
- Date of incident complained of
- Brief description of incident
- Preferred method of contact
- Nature / category of complaint
- Date investigation concluded
- Outcomes, actions or learning that results

## 10. Monitoring and reporting

A summary of the log will be reviewed periodically by the Charity's Board of Trustees, which will detail:-

- Numbers of complaints received in a twelve-month period
- Numbers of complaints received considered to be based on solid evidence or good reasons (complaints upheld)
- Nature and extent of complaints / key themes that the complaints have raised
- Actions taken, or being taken, to improve services as a result of the complaints made
- Lessons learnt and action taken
- Number of cases which the Charity has considered, and which have been referred to the Charity Commission / Fundraising Regulator
- Praise and other feedback and how that information has been shared

The Charity will always engage with complaints constructively and aim to make necessary improvements or put in place required training in order to prevent similar issues occurring in the future.

## 11. Confidentiality

Complaints will be handed in the strictest of confidence in accordance with the Charity's Data Protection Policy and will be kept separately to service user records. Care will be taken that information should only be disclosed to those who have a demonstrable need to have access to it.

Suitable arrangements are in place for the handling of service user identifiable data to meet the compliance of the Data Protection Act 2018 and other legal obligations such as the Human Rights Act 1998 and the common law duty of confidentiality.

Confidentiality will be maintained in such a way that only the investigating officer and employee/s who are part of the investigation will know the contents of the case. Any employee/s disclosing information to others who are not directly involved in the complaint will be dealt with under disciplinary procedures.

## 12. Consent

There is an expectation that when capturing consent for the use and sharing of information, that the service user has made an informed decision and clearly

understands the processing and potential sharing of their information. Staff must also understand the expectations of confidentiality that the information is provided under.

Information will not be disclosed to third parties unless the complainant or appropriate authorized party who has provided the information has given consent to the disclosure of that information. Consent should be pursued. If by the 30<sup>th</sup> working day consent to involve third party in order to investigate the complaint has not been received, the complaint should be closed and categorized as a concern only.

### **13. Exceptions to the policy**

There may be circumstances in which information disclosure is in the best interests of the service user, or the protection, safety or wellbeing of a child or vulnerable adult. In these circumstances, a complaint will be escalated as necessary in line with the Charity's Safeguarding policies and procedures.

Any allegations of fraud or financial misconduct should be referred to the Charity's Director of Finance.

### **14. Safeguarding**

The Charity's Safeguarding policy identifies the key elements of safeguarding to support those working in the Charity, and forms part of the Charity's complaints management and review system.

It may be necessary to identify if any of the following elements are evident in the complaint or supporting information: -

- Safeguarding concerns to the person, to include their ability to manage their daily living
- Safeguarding concerns regarding the behaviour of a professional to a service user
- Safeguarding concern regarding the behaviour of the person / complainant to Charity staff

All investigating officers must have an up to date (last 3 years) DBS check. The Charity has a blanket policy in place that all employees, volunteers and Trustees have DBS checks (basic and enhanced) as part of their recruitment on boarding, as defined within the Recruitment and Selection policy.

The Safeguarding Policy will aid those undertaking any form of participation or engagement with complainants. The investigating officer is responsible for ensuring that all staff involved in the investigation have access to the Safeguarding Policy.

The Charity has a recognised Safeguarding Lead; guidance and support should be sought from the Safeguarding Lead as required.

An appropriate summary of any action or escalation in respect of safeguarding upon receipt of a complaint / concern or at any stage of the process should be recorded to ensure all staff who handles the complaint are aware.

The majority of contact with the Charity complainants is via telephone, email or post. However, there may be either planned or unscheduled meetings face to face with complainants and appropriate measures need to be in place to support staff.

The open office plan is not considered a suitable space appropriate for meeting complainants. If a complainant makes an unscheduled visit to any Charity work space /

offices it is important that upon being made aware of their arrival, a check should be made to see if there are any available meeting room/s and the investigating officer should be found to establish whether there are any restricted communications or any possible risks or issues the complaint may pose. If the investigating officer is not available to meet with the complainant, details of the individual should be recorded and passed onto the investigating officer, the complainant should be advised of the same.

Whilst the complainant may wish to discuss a confidential matter it is essential that, based upon the knowledge of the complainant, the investigating officer makes a considered decision about where they speak to the complainant, where possible. In these circumstances, employees assisting the investigation of the complaint should not meet the complainant alone.

If the decision is taken that the complainant does not pose a threat to staff safety, employees ideally should again not meet with the complainant alone. Good practice would suggest that employees advise other colleagues of where they are meeting with the complainant and to request that they check on them at regular points. A documented record of the discussion which takes place should be made by the employees in attendance or investigating officer.

Within the complaints process there is scope for a resolution meeting. The investigating officer should never attend such meetings on their own and should be supported by another employee with appropriate experience according to the nature of the complaint. A neutral and safe venue should be sought for such a meeting. The senior leadership team should be aware of the location and duration of the meeting. A colleague should be identified as a key point of contact and the complaints staff undertaking the engagement should make contact with this colleague prior to the start of the meeting and then again upon conclusion. The investigation officer should check the suitability of any suggested meeting space and an awareness of any security measures at the venue are recommended in advance of the meeting.

## **15. Distribution**

The Charity will ensure that appropriate information is available in relation to the complaints policy and procedures.

## **16. Quality Assurance**

The Charity will monitor both the effectiveness of the complaints process, and how complaints information is being used to improve service delivery. Specifically, the Charity will aim to provide a system to:-

- Disseminate learning from complaints across the relevant parts of the organisation
- Include the use of the complaints procedures as a measure of performance and quality
- Use complaints information to contribute to service delivery

## **17. Equality Impact Assessment**

An initial assessment of the potential impact of the policy in relation to the protected characteristics of the Equality Act 2010 has been carried out. The intention of the equality impact assessment is to eliminate unlawful discrimination, advance equality of opportunity and foster good relations as stated in the Equality Act.

Equality and diversity are at the heart of the Charity's values. Throughout the development of the policies and processes cited in this document, we have given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited in under the Equality Act 2010) and those who do not share it.

## **18. Compliance and Review**

Compliance with the policy and procedures laid down identified in this document will be monitored by the senior leadership team.

The Head of HR is responsible for the monitoring, revision and updating of this document. This policy will be kept under review in light of operational experience. The first review will take place one year from issue.

## **19. Malicious Complaints**

The Charity will accept any complaint in good faith. However, complaints made on the basis of discrimination, or malicious or vexatious complaints will not be tolerated.

In order to protect its employees, the Charity will investigate such complaints in a manner so as to expose such malicious intent.

This will not apply to genuine complainants.

## **20. Persistent and Unreasonable Contact**

Detailed guidance on the management of persistent and unreasonable contact is detailed in appendix 3.

## **21. Associated Documents**

Privacy Policy  
Confidentiality  
Policy  
Whistleblowing  
Policy  
Charity Strategic Plan 2016 – 2021  
Safeguarding Policy

## **22. References**

Equality Act 2010  
Freedom of Information Act 2000  
Human Rights Act 1998  
Data Protection Act 2018

## Appendix 1 – Complaint Form

Name of complainant: -	
Complainant's contact details: - Tel. No. Address: -	
Date complaint received: -	
Who received the complaint: -	
Complaint referred to: -	
Was the informal or formal procedure used: -	
Date of meeting or phone call to hear complaint: -	
Description of complaint: -	
Action taken: -  e.g. apology, investigation, management action, changes to procedures	
Complainant informed of next steps – verbally / in writing	
Does the complainant wish to take any further action? If yes, how will this be handled?	

Signed (manager hearing the complaint):-	Date:
Signed CEO: -	Date

## Appendix 2 – Investigating Employee and Responsibilities

An employee from any of the below staff groups may be asked to undertake the role of investigating officer when a complaint has been received and needs to be investigated.

The investigating officer is responsible for the management of the complaint along with meeting with identified employees

- SLT members including: -
  - Director of Operations
  - Director of Finance
  - Director of Fundraising
  - Head of HR

Allocation of

Responsibilities:-

Role	Key Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> <li>• Overall responsibility for ensuring that the Charity's Policy and procedure is fit for purpose</li> <li>• To hear an appeal following the issuing of a complaint investigation</li> </ul>
Senior Leadership Team	<ul style="list-style-type: none"> <li>• Consider emerging themes and learning from the complaints reporting and identify service improvements as a result of complaints and concerns being raised</li> <li>• Annually review the internal complaints policy</li> <li>• Awareness of escalated complains</li> <li>• Ensure information from complaints is feedback to appropriate teams / employee</li> <li>• Explain the complaints process to a complainant</li> <li>• Facilitate the resolution of the complaint and concern through investigation and feedback</li> <li>• Attempt to resolve informally wherever appropriate to do so</li> <li>• Record details of the complaint on the complaint log, including the outcome, and any learning from the complaint</li> <li>• Ensure any identified learning needs are feed through to line managers / HR</li> </ul>
Heads of and Managers	<ul style="list-style-type: none"> <li>• Explain the complaints process to a complainant</li> <li>• Facilitate the resolution of the complaint and concern through investigation and feedback</li> <li>• Attempt to resolve informally wherever appropriate to do so</li> <li>• Record details of the complaint on a database, including the outcome, and any learning from the complaint</li> </ul>
Subject Matter Experts	<ul style="list-style-type: none"> <li>• To provide a response for particular issues requiring specialist knowledge</li> </ul>

## **Appendix 3 – Guidance for dealing with persistent and / or unreasonable contact**

### **1. Introduction**

This guidance covers all contacts, enquiries and complainants. It is intended for use as a last resort and after all reasonable measures have been taken to try and resolve a complaint with the Charity's Complaints Policy.

Persistent contact may be as a result of individuals having genuine issues and it is therefore important to ensure that this process is fair and the complainant's interests have been taken into consideration.

### **2. Purpose of the guidance**

To assist the Charity to identify when a person is persistent or unreasonable, and to set out any action to be taken.

### **3. Definition of persistent and / or unreasonable complainants**

There is no one single feature of unreasonable behaviour. Examples of unreasonable behaviour may include that of those who:-

- Persist in pursuing a complaint when the procedures have been fully and properly implemented and exhausted
- Do not clearly identify the precise issues that they wish to be investigated, despite reasonable efforts by the investigating officer, and where appropriate, the relevant external services who could assist to help them specify their complaint
- Continually make unreasonable or excessive demands in terms of process and fail to accept that these may be unreasonable e.g. insist on responses to complaints being provided more urgently than is reasonable or is recognised practice
- Continue to focus on a 'trivial' matter to an extent that it is out of proportion to its significance. It is recognised that defining 'trivial' is subjective and careful judgment must be applied and recorded
- Change the substance of a complaint or seek to prolong contact by continually raising further issues in relation to the original complaint. Care must be taken not to discard new issues that are significantly different from the original issue. Each issue of concern may need to be addressed separately
- Consume a disproportionate amount of time and resources
- Threaten or use actual physical violence towards staff
- Have harassed or been personally abusive or verbally aggressive on more than one occasion (this may include written abuse e.g., emails)
- Repeatedly focus on conspiracy theories and / or will not accept documented evidence as being factual
- Make excessive telephone calls or send excessive numbers of emails or letters to staff

### **4. Actions prior to designating a person's contact as persistent and / or unreasonable**

It is important to ensure that the details of a complaint are not lost because of the presentation of that complaint. There are a number of considerations to bear in mind when considering imposing restrictions upon a complainant.

These may include, but list is not exhaustive:-

- Ensuring the individual's case is being, or has been dealt with appropriately, and that reasonable actions will follow, or have followed, the final response

- Confidence that the person has been kept up to date and that communication has been adequate with the complainant prior to them becoming unreasonable or persistent
- Checking that new or significant concerns are not being raised, that requires consideration as a separate case
- Applying criteria with care, fairness and due consideration for the service user's circumstances – bearing in mind that physical or mental health conditions may explain difficult behaviour. This should include the impact of bereavement, loss or significant / sudden changes to the complainant's lifestyle, quality of life or life expectancy
- Considering the proportionality and appropriateness of the proposed restriction in comparison with the behaviour, and the impact upon staff
- Ensuring that the complainant has been advised of the existence of the policy and has been warned about, and given a chance to amend their behaviour

Consideration should also be given as to whether any further action can be taken prior to designating the person's contact as unreasonable or persistent.

This might include:-

- Raising the issues with a Director with no previous involvement, in order to give an independent view
- Where no meeting with staff has been held, consider offering this at a local level as a means to dispel misunderstandings (only appropriate where risks have been assessed)
- Where multiple departments are being contacted by the complainant, consider a strategy to agree a cross-departmental approach
- Consider whether the assistance of an advocate might be beneficial
- Consider the use of ground rules for continuing contact with the

complainant Ground rules may include:-

- Time limits on telephone conversations and contacts
- Restricting the number of calls that will be taken or agreeing a timetable for contacting the service
- Requiring contact to be made only with the investigating officer and agreeing when this should be
- Requiring contact via a third party e.g., advocate
- Limiting the complainant to one mode of contact
- Informing the complainant of a reasonable timescale to respond to correspondence
- Informing the complainant that future correspondence will be read and placed on file, but not acknowledged
- Advising that the Charity does not deal with calls or correspondence that is abusive, threatening or contains allegations that lack substantive evidence. Request that the complainant provides an acceptable version of the correspondence or make contact with a third party to continue communication with the Charity
- Ask the complainant to enter into an agreement about their conduct
- Advise that irrelevant documentation will be returned in the first instances and (in extreme cases) in future may be destroyed
- Adopting a 'zero tolerance' policy stating, 'The Charity operates a zero-tolerance policy. The safety of Charity employees, volunteers and Trustees is paramount at all times. Employees, volunteers and Trustees have a right to care for others without fear of being attached either physically or verbally'.

**5. Process for managing persistent and / or unreasonable behaviour**

Where a person's contact has been identified as persistent and / or unreasonable, the decision to declare them as such is made jointly by the investigating officer and team Director / SLT / CEO.

The investigating officer will write to the complainant, informing them that:-

- Their complaint is being investigated and a response will be prepared and issued as soon as possible within the timescales agreed, or
- That repeated calls regarding the complaint in question are not acceptable and will be terminated, or
- Their complaint has been responded to as fully as possible and there is nothing to be added, or
- That any further correspondence will not be acknowledged

All appropriate employees should be informed of the decision so that there is a consistent and coordinated approach across the Charity.

If the declared complainant raises any new issues then they should be dealt with in the usual manner as dictated within this policy.

**6. Urgent or extreme cases of persistent and / or unreasonable behaviour**

In urgent or extreme cases, adopt safeguarding and zero tolerance policies and procedures. The investigating officer should discuss the case with SLT / CEO at the earliest opportunity to develop an action plan that may include the use of the Trust's security personnel or emergency services in some circumstances. In these circumstances, carry out a review of the case at the first opportunity after the event.

**7. Record Keeping**

Ensure that adequate records are kept on the complaint log of all contact with persistent and / or unreasonable contact.

Consideration should be given as to whether the Charity should take further action, such as reporting the matter to the police, taking legal action, or using a risk management procedure or health and safety procedures to follow up such an event in respect of the impact upon staff.

**Version Control Sheet**

Version	Date	Author	Status	Policy Category
1	November 2018	Head of HR	Provisionally adopted by SLT	Genevieve
2	March 2019	Head of HR	Approved and Adopted by SLT	General