



Complaints Policy and Procedure

Introduction

Brigstowe endeavors to deal with complaints efficiently, respectfully and with the upmost regard to confidentiality. All clients and supporters have the right to expect high quality, professional standards from Brigstowe staff and the charity. As such we aim to give clients and supporters the space to express their views and experiences even if they are negative. Brigstowe is committed to continuous improvement and welcomes any input that may help develop the services for the better. We understand that we can learn a lot from criticism and feedback.

This procedure aims to ensure a considerate, objective, sensitive and thorough approach is used and that both staff and clients are safeguarded throughout the procedure. Although we hope that complaints can be listened to and dealt with before reaching formal procedure, we understand that this is not always possible and have made provision for such eventualities.

Brigstowe commits to ensuring that:

- People who use our services, those who support us, and the wider public know how to make a complaint and can do so easily
- Those making a complaint know that it will be dealt with sensitively, honestly and fairly
- Complaints are dealt with in a timely and efficient manner
- All Brigstowe staff are aware of the complaints policy and procedures and feel confident in these
- Complaints are reviewed on a regular basis to inform service and process improvements

Aim

This policy aims to outline and ensure a safe and trustworthy procedure for any complaints that Brigstowe may receive. It aims to give staff, volunteers and trustees guidelines on how to engage with complaints and also details what a complainant can expect from Brigstowe when a complaint is made.

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Definition of a Complaint

A complaint is an oral or written expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment.

Adverse Incidents

In addition to complaints, we keep a record of adverse incidents. If a client or other individual does not wish to use our complaints procedure but in our opinion an adverse incident has occurred, this is recorded in a confidential file. We do not include the individual's name and instead use their client number from our database. Details of the incident are noted together with any actions to resolve the situation or ensure that a similar situation does not arise in the future.

Brigstowe also monitors social media to identify and respond quickly to any negative comments. Where appropriate the comments should be acknowledged and the individual invited to continue the conversation in an appropriate forum: phone, email etc. An apology may also be helpful such as "We're sorry that you did not get the service you expect from us on this occasion". It is then important that the matter is properly dealt with including inviting the individual to make a complaint if appropriate. If the complaints procedure is not used then the incident should be recorded as an adverse incident.

Using the complaints procedure

Confidentiality

Confidentiality must be maintained at all stages throughout the Complaints Procedure. We will ensure this by informing only those who need to know the details of the complaint. We may mention any feedback that came from this in a staff meeting but will keep names and any non-relevant info confidential at all times.

Independent Advice and Support for Clients

In all cases, clients should be made aware that they can have a friend/advocate present at any meetings regarding the complaint, or can ask another person to write on their behalf/represent them in the complaint.

Brigstowe is committed to making the complaints process accessible to all by making arrangements for translation, Braille etc. as and when appropriate, and can assist the client in finding an advocate if they so wish e.g. from another HIV support agency or local advice centre.

The Procedure

There are four stages to the procedure

Informal Stage - Resolving the Complaint with the member of staff

Brigstowe hopes to resolve every problem at this stage.

Complaints may be given in person, in a letter, in an email or over the telephone.

NB: Some problems such as harassment are covered by a specific policy in which case the client can be signposted to the specific policy.

If a complaint is received in **person or by telephone**:

1. Listen to what the individual has to say
2. Ask what the individual would like, and how they would like to proceed.

If the individual is happy with their complaint being dealt with in this informal manner, we attempt to solve the problem. We then confirm the outcome in writing and save a copy in the individual's record on our database.

If a complaint is received **in writing**:

1. Send an acknowledgement **within 3 days** explaining that we will investigate and respond within 15 days.
2. Investigation.
3. Respond in writing **within 15 days**.

First Formal Stage - Complain to the Chief Executive Officer

If the individual would like to proceed in a more formal manner, or if the problem could not be resolved at the informal stage they should be invited to:

1. Submit the complaint in writing to the Chief Executive Officer in a letter or by using Brigstowe's complaints form (see attached form).

NB: If the complainant needs help with this it could be suggested that the client or supporter approach a friend, relative or advice centre to help. Brigstowe is also able to offer support, although we must countersign any documents we have aided.

OR

2. Request a meeting with the Chief Executive Officer

The procedure is as follows:

- If the formal complaint was received in writing; the Chief Executive Officer or their deputy to send an acknowledgment **within 3 working days** offering a meeting to

discuss the complaint.

- Meetings whether offered or requested should take place **two weeks** of correspondence.
- An investigation should be carried out prior to the meeting; including all relevant paperwork and necessary interviews.
- A written response detailing what was discussed in the meeting, the agreements that were reached and outcomes should be sent to the complainant **within 15 days** of the meeting

Second Formal Stage – Complain to the Chair of the Board of Trustees

If the individual is not happy with any action proposed by the Chief Executive Officer, they should write in confidence to the Chair of the Board of Trustees or request the written complaint or Complaint Form to be passed on to the Chair of the Board of Trustees.

The Chair of the Board of Trustees should send an acknowledgement of the complaint **within 3 working days** of receiving it explaining that the matters raised will be discussed with the relevant member(s) of Brigstowe's staff team and also offering a meeting with the relevant member(s) of staff, the Chair of the Board of Trustees and the client.

After the discussion, the Chair is responsible for writing to the complainant **within 15 days** detailing any proposed action or explaining why no action is proposed. A copy of this letter will be given to any staff concerned, and a copy kept on the complainant's file.

Third Formal Stage – Complain to the Board of Trustees

If the complainant is still not satisfied, they should telephone or write back to the Chair requesting that the matter is discussed by the full Board of Trustees within 6 weeks of receipt where possible. A detailed record should be kept of any phone calls. The complainant should specify if they wish the Board to discuss the complaint without reference to their name or address and whether or not they wish to be present. Prior to the meeting The Chief Executive Officer should provide the Board with an explanation of any action taken so far by staff.

The duty of the Board of Trustees will be to check that any staff involved have:

1. Correctly and constructively followed relevant policies and procedures
2. Acted in keeping with Brigstowe's aims, principles and values
3. Not discriminated against the complainant in any way.

The Board of Trustees may also decide that certain policies or procedures should be reviewed in the light of the individual's complaint.

The Chair of the Board will write to the individual **within 7 days of the meeting** at which the complaint was discussed. The letter will:

- detail full reasons for any proposed action,
- address issues about which the complainant feels aggrieved,
- offer to meet the individual to explain the response if they so wish,
- outline the individual's further rights described below in Complaints Resolution

Further Formal Stages

The following details alternative methods and procedures for processing and attempting to resolve complaints. These options may be conducted if the complainant has exhausted Brigstowe's in house formal complaints procedure. However, these options are also choices in themselves and some complainants may prefer them. It is not necessary that a complainant go through all stages of Brigstowe's complaints procedure, they may wish to conduct proceedings in alternative ways.

Mediation and Arbitration

Mediation and arbitration are alternative ways of resolving intractable problems before reaching the stage of Ombudsman. Mediation is a conciliation process and explores the scope for compromise.

Arbitration takes a fresh look and comes to a decision binding on both parties.

Both should be considered once Stage Four has been exhausted.

Appealing to other bodies

Bristol residents can complain to Bristol City Council about the Advice & Support Service and/or the All In peer support group.

Online: <https://www.bristol.gov.uk/complaints-and-feedback/adult-social-care-complaints-and-feedback>

Phone: 0117 922 2723

South Gloucestershire residents can complain to South Gloucestershire Council about the Advice & Support Service, All In peer support group, and/or our Positive Voices services.

Online: <http://www.southglos.gov.uk/council-and-democracy/complaints/children-adults-and-health-complaints/adult-social-care-and-public-health-complaints/>

Phone: 01454 865924

North Somerset residents can complain to North Somerset Council about the Advice & Support Service.

Online: <https://www.n-somerset.gov.uk/council-democracy/complaints-feedback/complaints-about-social-services>

Phone: 01275 882171

The Local Government Ombudsman

If the local authority complaints process has been exhausted and the complainant remains dissatisfied, s/he may contact the Local Government Ombudsman (LGO) for help to submit a complaint.

Online: <https://www.lgo.org.uk/>

Phone: 0300 061 0614

Complaints regarding Immigration Advice

If the complaint concerns the provision of immigration advice, the complainant can complain to the Office of the Immigration Services (OISC). A complaint can be made about any regulated adviser or unregulated person operating within the UK and providing advice and/or services relating to immigration to the UK. The OISC accepts complaints from anyone who wishes to make a complaint, it is not necessary to be in receipt or have received advice upon immigration issues.

Online: [complaints form](#) on the OISC website

Email: complaints@oisc.gov.uk

Telephone: 0207 211 1500

Telephone: 0345 000 0046

Post:

Office of the Immigration Services Commissioner
Complaints Team
5th Floor
21 Bloomsbury Street
London
WC1B 3HF

Complaints to the Charity Commission

Complaints can be made to the Charity Commission. They are keen for any issue to be resolved between the charity and the complainant in the first instance. In regards to Brigstowe, once all informal and formal practices have been exhausted the complainant could take the complaint to the Charity Commission if it is a serious incident. Serious incidents are defined as: harm to the charity's beneficiaries, staff, or volunteers; loss of Brigstowe's money or assets; damage to Brigstowe's property; harm to Brigstowe's work or reputation.

<https://forms.charitycommission.gov.uk/raising-concerns/>

However, this is not the set procedure with Whistleblowing where the Charity Commission will offer support and protection. See Whistleblowing policy.

In addition, Brigstowe has a legal responsibility to self-report a serious incident (as defined above) to the Charity Commission:

<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

Complaints to the Information Commissioner's Office

If your complaint relates to the way Brigstowe has handled your personal data and you are not satisfied by the response received, then you can take your concern to the Information Commissioner's Office by telephoning 0303 123 1113. Complaints can also be raised online here: <https://ico.org.uk/make-a-complaint/data-protection-complaints/>

Complaints Regarding Fundraising

If the complaint relates to fundraising, then the complainant can take their concern to the Fundraising Regulator. The Regulator would normally expect the complainant to try to resolve the matter with Brigstowe directly first:

<https://www.fundraisingregulator.org.uk/complaints/make-complaint>

Forms of Redress or Compensation

Any form of redress or compensation relating to malpractice or damages will be dealt with by Brigstowe's insurance brokers.

Compensation will be assessed taking into account all the circumstances and any other redress offered. Compensation does not necessarily have to be in the form of financial reward. For example it may be appropriate to offer practical solutions such as changing a practice or consulting further with clients. Financial compensation would be appropriate where the client has suffered an actual financial loss or where they have suffered personal distress. The Trustees must approve offers of financial compensation.

Monitoring Complaints

It is essential that complaints are properly monitored and records kept up to date. The Chief Executive Officer must keep a file on complaints.

The Chief Executive Officer will complete a Summary of Complaints Monitoring Form on a quarterly basis and report to the Board of Trustees quarterly. Adverse incidents will be reviewed annually by trustees.

Review: annual.

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Created by	Jill Turner - Internal
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