

Menphys Limited complaints policy and procedure

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MENPHYS
Lyn Edwards



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MENPHYS COMPLAINTS POLICY

Menphys views concerns or complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint.

Our policy is:

1. To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
2. To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
3. To make sure everyone at Menphys knows what to do if a complaint is received
4. To make sure all complaints are investigated fairly and in a timely way
5. To make sure that complaints are, wherever possible, resolved and that relationships are repaired
6. To gather information which helps us to improve what we do

Definition of a concern

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

Many issues can be resolved informally, without the need to invoke formal procedures. Menphys should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, Menphys' formal procedure should be invoked through the stages outlined within the Menphys Complaints Procedure.

Definition of a complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of Menphys

Where complaints come from

Complaints may come from any person or organisation that has a legitimate interest in Menphys including service users of Menphys and the Buddy Scheme, shop customers, voluntary fundraisers and members of the public.

A complaint can be received verbally, by phone, by email or in writing.

This policy does not cover complaints from staff, which should use Menphys Ltd Discipline and Grievance policies.

Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Responsibility

Overall responsibility for this policy and its implementation lies with the

- Menphys Executive Director
- Trustees of Menphys Limited

Menphys Complaints Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and Menphys can be crucial in determining whether the complaint will escalate. To this end all staff and trustees are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as possible.

Menphys operates a 4 stage complaints procedure which is outlined below. Please note if your complaint is about the Executive Director, you should refer your formal written complaint to the Chair of the Trustees of Menphys under Stage 3 of this procedure.

Stages and timescales

Stage 1: Informal concern

An initial concern should be raised directly with the staff member concerned. This can be done in writing, by telephone or in person. The vast majority of concerns can be dealt with at this stage. It would be helpful to identify at this point what outcome you are looking for in order for us to address your concern quickly and effectively.

Whether or not the concern has been resolved, the complaint information should be passed to the person's line manager within two working days.

Stage 2: Formal complaint

If your concern is not resolved at the informal stage you can make a formal complaint to the following managers in writing indicating the concise details of your complaint and your desired outcome from the complaint using the form attached for this purpose.

Jenny Chapman – Service Manager Menphys Special Outreach Service

Address: Unit B, Best House, Grange Business Park, Enderby Road, Whetstone, Leicestershire, LE8 6EP

Telephone: 01455 323020

Email: jenny.chapman@menphys.org.uk

Tracey Morris – Manager of the Fundraising and Marketing team and Charity Shop

Address: Address: Unit B, Best House, Grange Business Park, Enderby Road, Whetstone, Leicestershire, LE8 6EP

Telephone: 01455 323013

Email: tracey.morris@menphys.org.uk

If the complaint is about either of the above persons then please contact

Lyn Edwards – Executive Director Menphys Limited

Address: Unit B, Best House, Grange Business Park, Enderby Road, Whetstone, Leicestershire, LE8 6EP

Telephone: 01455 323020

Email: lyn.edwards@menphys.org.uk

Your complaint will be acknowledged within 5 working days and will include an indicative date for a written response. It is the responsibility of the Service Manager or Fundraising Manager to ensure your complaint is investigated appropriately. They may need to meet with you to clarify details of your complaint and the resolution being sought. The complaint will be investigated further and every effort will be made to resolve the issue.

Dependant on the nature of the issues raised, the matter will either continue Menphys complaints procedure or by other procedures such as safeguarding or disciplinary. If this happens then you will be informed of this fact but you will not be advised of the outcome of these proceedings.

On conclusion of the investigation you will be written to with all appropriate information relating to the complaint information on any outcome(s). The response should also inform you of the next stage of the procedure in case you are not satisfied with the response.

Stage 3: Formal complaint to the Executive Director

If you are dissatisfied with the outcome of the stage 2 investigation or the conduct of the Service or Fundraising Manager then you can make a formal complaint to the Executive Director.

Your complaint should be made in writing to the Executive Director Menphys Ltd, Unit B, Best House, Grange Business Park, Enderby Road, Whetstone, Leicestershire, LE8 6EP, within 10 days of the date Stage 2 investigation response is sent to you. Please mark the envelope CONFIDENTIAL and provide a copy of your original written complaint, response and give written details of why you are not satisfied with the outcome.

At this stage the Executive Director will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary. On conclusion of the investigation you will receive a written response of the outcome reached and the process of the appeal stage.

Stage 4: Formal complaint – Complaints Appeal Panel

If you remain dissatisfied with the response to your complaint you may request that it is reviewed by the complaints appeal panel by writing to the Secretary to the Trustees of Menphys at Unit B, Best House, Grange Business Park, Enderby Road, Whetstone, Leicestershire, LE8 6EP within 10 working days of the date of the letter with the outcome of Stage 3. Please ensure you mark the envelope CONFIDENTIAL.

The secretary will write to acknowledge receipt of your letter within 10 working days. The letter will explain the process with is to be followed and how the panel will operate.

The secretary will convene the Complaints Appeal Panel and ask you to provide details of your complaint and any relevant supporting evidence.

The panel will usually consist of 3 Menphys Trustees none of whom will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made and communicated to you.

The remit of the appeals panel is to

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to Menphys systems or procedures to ensure that problems of a similar nature do not reoccur

You will be notified in writing of the panel's decision, usually within 5 working days. The letter will confirm the end of Menphys and Complaints Panel involvement with the complaint and explain any further rights to appeal.

Timescales for response

Our aim is to address your complaint in a timely and efficient manner. However, there may be occasions when we are unable to achieve the timescales indicated. In this event, we will write to you outlining the reason why for the delay and provide you with new timescales for the conclusion of that part of the process.

External Stage

The complainant can complain to the Charity Commission if they believe there is "serious risk of significant harm to, or abuse of, charities, their beneficiaries or assets". Information about the kind of complaints the Commission can involve itself in can be found on their website at: www.charitycommission.gov.uk/publications/cc47.aspx

For guidance please read carefully the Charity Commission's role below.

The Charity Commission's role

"The commission is the independent regulator of charities. Its job as regulator is to ensure that charities are accountable, well run and meet their legal obligations. Its work means that the public can be confident about giving their support to charities and beneficiaries can have confidence about the services they receive.

The commission's regulatory work with charities is done by providing guidance and other best practice information, using its legal powers to make schemes and orders for charity administration in particular cases and intervening in matters where there is serious risk of significant harm to, or abuse of, charities, their beneficiaries or assets.

Not all complaints will fall into this serious risk category and consequently the commission will not always become involved in every problem or dispute that arises or is brought to its attention.

The commission do not act as a complaints service looking at all complaints on behalf of complainants. It assesses and identifies if there is a regulatory issue or concern that requires its involvement. The commission may refuse to take up an issue if it judges it not to be in the public interest to use its resources investigating or resolving it”.

Monitoring and Learning from Complaints

Complaints are reviewed annually to identify any trends which may indicate a need to take further action.

Please note

If the complaint is about the Chair of the Board of Trustees then it should be sent to the President to nominate an independent investigator.

Further information

Receiving complaints

Complaints

1. may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have.
2. can be made in person to someone you have direct contact with within the organisation
3. received by telephone or in person will be recorded.

The person who receives a phone call or in person complaint will:

- Write down the facts of the complaint
- Take the complainant's name, address and telephone number
- Note down the relationship of the complainant to Menphys (for example parent/carers, professional)
- Tell the complainant that we have a complaints procedure
- Tell the complainant what will happen next and how long it will take
- Where appropriate and so that the complaint is recorded in the complainant's own words, ask the complainant to send a written account using the Menphys Formal Complaints Form which is available to download from our website. It can also be sent to the complainant by email or by post.
- We aim to deal with matters within the timescales as shown in our complaints procedure, if we can't deal with it in these timescales we will let you know.

Investigating complaints

At each stage we will

- Establish what has happened and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

Unreasonable complaints policy

Menphys Ltd is committed to dealing with all complaints fairly and impartially, and to provide a high quality service to those who complain. We will not normally limit the contact complainants have with the service. 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.

Menphys Ltd defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the service, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where Menphys complaint procedure has been fully and properly implemented
- seeks an unrealistic outcome
- makes excessive demands on the services time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media Websites and newspapers

Complainants should be encouraged to limit the numbers of communications with the service while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Executive Director will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Director will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Menphys causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

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.

Menphys Ltd Formal Complaints Form

Your Name:	
Child/Young Persons Name:	
Your relationship to child:	
Address:	
Post Code:	Daytime Tel No:
Mobile No:	Email address:
Please give concise details of your complaint:	
What action, if any, have you already taken to try to resolve your complaint? (Whom did you speak to, when and what was the response?):	
What actions do you feel might resolve the problem at this stage?	

Are you attaching any paperwork? If so, please give details:

Signed:

Date:

WHERE TO SEND THIS FORM

Please send this form marked confidential to Menphys Ltd Complaints, Address:
Address: Unit B, Best House, Grange Business Park, Enderby Road, Whetstone,
Leicestershire, LE8 6EP

WHO TO SEND THIS FORM TO

If the complaint is about the Menphys Special Outreach Service or any member of staff working within it please address it to;

Jenny Chapman - Service Manager Menphys Special Outreach Service

If the complaint is about the Fundraising and Marketing Team or the Menphys Charity Shop any member of staff working within it please address it to

Tracey Morris – Fundraising and Marketing Manager

If the complaint is about either of the above persons then please address it to;
Lyn Edwards – Executive Director Menphys Limited

Official Use:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: