



Complaints Policy and Procedure

Policy

1.1. Introduction

Spread a Smile views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person that has made the complaint. We are committed to providing a high level of service to all patients, families, hospital partners and external colleagues. We are also committed to governing and running the Charity in an ethical manner.

1.2. Policy Statement

Our policy is:

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

1.3. Definition of a complaint

A complaint is an expression of dissatisfaction, whether justified or not, about any aspect of Spread a Smile.

1.4. Complaints covered by this policy

This policy is intended to cover any complaints from individuals external to the organisation about the service provided by the organisation or its representatives.

Complaints may come from any person or organisation who has a legitimate interest in Spread a Smile.

This policy is also intended to be used by trustees or volunteers who have a complaint about issues associated with the governance of the Charity.

Complaints against staff performance or behaviour that are raised by other members of staff, trustees or volunteers are expected to be managed through the appropriate discipline and grievance procedures.

1.5. Confidentiality

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

1.6. Responsibility

The Board of Trustees is responsible for ensuring that the Complaints Policy is robust and that it is executed in line with the procedures. The Board is also responsible for managing Stage Four of the Complaints procedure.

Whoever in the organisation received the initial complaint is responsible for ensuring that the complaint is recorded as set out in the procedures below. Where they are able to resolve the complaint informally, they should endeavour to do so. They are also responsible for ensuring that the Chief Executive is notified that a complaint has been received.

The Chief Executive is responsible for ensuring complaints at stage 1 – 3 are managed robustly, for updating the Board on the status of complaints, as required and for maintaining a log of complaints, addressing any learnings or actions.

All staff, volunteers, and trustees are responsible for participating in the investigation of any complaint:

- In line with the Complaints Procedure.
- In as speedy a time as is practicable whilst ensuring that the complaint is thoroughly and effectively managed.
- Showing integrity and empathy when dealing with complaints.

1.7. Review

This policy is reviewed every 2 years and updated as needed.

2. Implementation of Policy – Complaints Procedure

2.1. Informing individuals of how to complain

A copy of this policy and procedure can be downloaded from the website.

2.2. Receiving and resolving Complaints

If the complaint is about Spread a Smile, there are four stages to try and resolve the problem.

If the complaint regards the organisation's treatment of an individual, general mal-practice or involves a whistleblowing scenario the complaint should be passed straight to the Chief Executive (stage 3). If the complaint is about the Chief Executive, then it should be addressed to the Chair of Trustees (stage 4).

The Chief Executive should take a decision as to whether the complaint is sufficiently serious to warrant reporting to an external regulatory/governing body (such as the Charities Commission, Companies House, and any external funders).

Complaints may reach Spread a Smile through a variety of channels. Complaints may be received in writing (by post or email), by telephone or in person.

2.1 Stage 1 (informal)

If able to, the individual should raise the complaint with the person concerned in the first instance. Hopefully most complaints can be dealt with quickly and effectively in this informal stage but we appreciate that this won't always be appropriate or some people may not be able to approach the situation this way.

Whoever receives the initial complaint must attempt to resolve it informally. If the complaint has been received the person receiving the complaint must:

- Write down the detailed facts of the complaint.
- Take the complainant's name, address and telephone number.
- Note down the relationship of the complainant to Spread a Smile (for example: client, member).
- Tell the complainant that we have a complaints procedure.
- Tell the complainant what will happen next and how long it will take, being clear on timeframes and when updates will be made.
- Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.
- Notify the Chief Executive that a complaint has been received.
- Take time to investigate the complaint, conclude on findings and communicate the findings to the complainant.
- Inform the Chief Executive of the outcome for this to be logged.

2.2 Stage 2 (formally Registering a Complaint)

If the individual has been unable to resolve the complaint informally or feels it is too serious to be made in the informal stage, then they should make a formal complaint. An outline of the details of the complaint should be made in writing to the relevant manager.

The line manager should ensure the Chief Executive is updated as well as the appropriate logs.

If the complaint relates to a specific member of staff, volunteer or trustee, they should be informed and given a fair opportunity to respond.

Complaints should be acknowledged by the line manager within 24 hours of receipt notwithstanding leave/sickness. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this complaint's procedure should be attached.

Ideally the line manager should provide a definitive reply to the complainant within two weeks. If this is not possible because for example, an investigation has not been fully completed, the manager should send a progress update to the complainant with an indication of when a full reply will be given.

Whether the complaint is justified 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.

If a complaint is received from an individual currently receiving support from Spread a Smile, alternative support may be provided to that individual whilst the complaint is being investigated. If it is not possible to provide supplementary support this will be communicated to the complainant.

2.3 Stage Three

If the complainant feels that the problem has not been satisfactorily resolved at Stage Two, they can request that the complaint is reviewed by the Chief Executive.

The chief executive will:

- Read through the necessary papers.
- Speak to all relevant individuals involved in the complaint.
- Attempt to resolve the complaint and communicate the findings.

At this stage, the Chief Executive reserves the right to delegate this review to an appropriate person, including an external provider with the appropriate skills/expertise. The complainant should expect a reply within four weeks from date of receipt.

2.4 Stage 4 (Appeal)

The complainant may appeal the decision of the Chief Executive to the Chair of Trustees.

The Chair of the Board or Trustees should acknowledge to the complainant that the complaint has been escalated within two weeks of receiving the request. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.

The Chair may investigate the facts of the case themselves or delegate a suitably senior trustee to do so (the trustee investigator). This could include seeking external specialised support if necessary. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage Two or Three.

If the complaint relates to a specific member of staff, volunteer or trustee, the trustee investigator should inform that member of staff etc. that the complaint has been escalated to stage four and given a further opportunity to respond. They should also inform the person who dealt with the original complaint at Stage Two/Three.

Ideally the trustee investigator should respond to the escalated complaint within four weeks. If this is not possible because for example, an investigation has not been fully completed, the trustee investigator should send a progress report 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.

3. Complaining to the Charities Commission

If complainants wish to pursue a complaint external to Spread a Smile, the complaint can be escalated to the Charities Commission.

Details of how to complain to the Charities Commission can be found at <https://www.gov.uk/government/publications/complaints-about-charities/complaints-about-charities>.

The Charities Commission expects complainants to raise any concerns with the charity directly and will not get involved in complaints related to:

- where complainants disagree with decisions made by the trustees and those decisions have been properly made within the law and the provisions of the charity's governing document
- to resolve internal disagreements over a charity's policy or strategy because those involved are responsible for settling the issues themselves

- about incidents of poor service from a charity where there is no general risk to its services, its clients or its resources
- where the complaint arises from a charity dispute and there are properly appointed trustees whose responsibility it is to deal with the issues reported
- where the issue reported does not pose a serious risk to the charity, its assets or beneficiaries
- where the issue is being dealt with by, or is the responsibility of, another statutory or supervisory body
- where there is a disagreement about the terms or delivery of a contract
- where legal proceedings are being taken by another party against a charity, including those for the collection of debts (except in a few very rare cases where the Attorney General has specifically asked the commission to do so).

The Charities Commission will consider complaints related to:

- significant financial loss to the charity
- serious harm to beneficiaries and, in particular, vulnerable beneficiaries
- misuse of a charity for terrorist purposes (including links with or support for terrorism, financial or otherwise, connections to proscribed organisations, misuse of a charity to foster extremism)
- serious criminality and/or illegal activity within or involving a charity (including fraud and money laundering)
- charities set up for an illegal or improper purpose
- charities deliberately being used for significant private advantage
- where a charity's independence is seriously called into question
- other significant non-compliance breaches of trust or abuses that otherwise impact significantly on public trust and confidence in the charity and charities generally.

4. Variation of the Complaints Procedure

The Board may vary the complaints procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair should not also have the Chair as the person leading a Stage Four review.

5. Monitoring and Learning from Complaints

Where a complaint has been reported, once the complaints procedure has been completed, those involved in the complaints process and at least one other member of staff will undertake a reflective practice session to identify any learning from the complaint. The conclusions of this session will be documented and where necessary, processes and procedures will be amended to implement any recommendations. During this review a decision will be taken as to whether any external organisation now needs to be notified that a complaint has been raised or needs to be notified that it has been resolved.

Once a year, the Chief Executive will review all complaints to identify any trends which may indicate a need to take further action.