



COMPLAINTS POLICY

DAFT AS A BRUSH CANCER PATIENT CARE CHARITABLE TRUST

COMPLAINTS POLICY

Daft as a Brush Cancer Patient Care Charitable Trust views 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.

This policy applies to all concerns and complaints raised by, or on behalf of, a patient in relation to services provided by Daft as a Brush Cancer Patient Care, which cannot be resolved at the point of contact. The policy does not apply to staff/volunteers raising a complaint against another member of staff/volunteer or about any matter relating to employment at the Charity.

The Charity is committed to:

- Resolving concerns and complaints in an open, transparent, efficient and courteous manner
- Ensuring that patients/complainants are not prejudiced as a result of raising a concern or complaint.
- To promote a learning and improvement culture, positively seeking feedback, is thorough and fair and gives a fair accountable decision about what happened. Responses sent to patients / complainants will be factual, accurate, transparent and sensitive to the feelings of all those involved and will offer apologies where shortcomings arisen
- To supporting staff to ensure that they are equipped to deal with complaints personally or signpost complainants to the appropriate service
- Work in partnership with service user's advocates, including Independent Complaints Advocacy (ICA) to assist patients in expressing their wishes, or receiving help in difficult decision-making
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired.

Definition of a Complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of Daft as a Brush Cancer Patient Care Charitable Trust.

Complaints may come from any person or organisation who has a legitimate interest in Daft as a Brush Cancer Patient Care Charitable Trust.

Raising a Complaint

A concern/complaint can be made in writing, by email, by telephone or in person.

- A note of verbal concerns/complaints made in person, or by telephone, will be taken by the person receiving the call.
- Consideration will be given to meeting enquirers/complainants off site depending on the nature of their issue and the reason that they are unable or unwilling to attend the Daft as a Brush House.

Who may raise a concern or complaint?

Patient/ those on behalf of a patient:

A patient may raise a concern/complain themselves about their own experience. A person may raise a concern/ complain on behalf of a patient, but staff must receive the consent of the patient in order to release confidential information to the enquirer/complainant. The exception to this is when a patient is deceased or unable to provide consent due to their condition or circumstances. In this event senior staff will use discretion to decide whether it is reasonable and appropriate to share any information.

Other individuals, agencies or bodies:

If an MP, GP or other agency has raised a concern or complained on a patient's behalf, evidence must be provided that the concern/complaint was made by the patient.

If the MP, GP or other advocate has evidence of contact from the patient then the express consent of the patient is not required. However, if there is no evidence of communication from the patient, then staff will request that the MP, GP or other advocate provides the patient's consent to release information.

Time limits on making a complaint:

- A complaint must be made within twelve months of the date on which the matter occurred, or the date on which the matter came to the notice of the complainant.
- Where a complaint is made after the expiry period, the responsible person may investigate the complaint if he or she is of the opinion that, having considered the circumstances, the complainant has good reasons for not making the complaint within that period.
- The responsible person may agree to investigate if, irrespective of the time that has elapsed, it is still possible to investigate the complaint effectively and efficiently. This would usually indicate that the staff/volunteers who have been complained about are still present in the charity and/ or documentation is available to support an investigation. Any limitations will be discussed with the complainant.
- A concern is not subject to a legislated timeframe.

Responsibility

The Chief Executive Officer as the accountable, regulatory officer, has corporate responsibility for the process of complaint investigation. He/she may delegate responsibility for complaint investigation and management to other staff members as appropriate under his authority.

Overall responsibility for this policy and its implementation lies with the Daft as a Brush Cancer Patient Care Board of Trustees.

Publicised Contact Details for Complaints

Written complaints may be sent to Daft as a Brush Cancer Patient Care Charitable Trust at Daft as a Brush House, Great North Road, Gosforth, Newcastle upon Tyne, NE3 2DR or by e-mail to info@daftasabrush.org.uk

Verbal complaints may be made by phone to 0191 2855999 or in person to any of the Daft as a Brush Cancer Patient Care Charitable Trust trustees at Daft as a Brush House, Great North Road, Gosforth, Newcastle upon Tyne, NE3 2DR.

Receiving Complaints

The person who receives a phone, or in person, complaint should:

- Write down the facts of the complaint.
- Take the complainant's name, address and telephone number.
- Note down the relationship of the complainant to Daft as a Brush Cancer Patient Care Charitable Trust (for example, patient or volunteer).
- Tell the complainant that we have a complaints procedure.
- Tell the complainant what will happen next and how long it will take.
- Where appropriate, ask the complainant to send a written account by post or by e-mail so that the complaint is recorded in the complainant's own words.

Resolving Complaints

Stage 1

In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate.

Whether or not the complaint has been resolved, the complaint information should be passed to the Chief Executive within three days.

On receiving the complaint, the Chief Executive records it in the complaints log. If it has not already been resolved, he/she delegates an appropriate person to investigate it and to take appropriate action.

If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond.

Complaints should be acknowledged by the person handling the complaint within a week. The acknowledgement via email/letter to the complainant should identify who is dealing with the complaint and a reasonable timeframe for a response. A copy of this complaints procedure should be attached.

Ideally, complainants should receive a definitive reply within four weeks. 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 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.

Stage 2

If the complainant feels that the problem has not been satisfactorily resolved at Stage 1, they can request that the complaint is reviewed at Board level. At this stage, the complaint will be passed to a Trustee.

The request for Board level review should be acknowledged within three days of receiving it. The acknowledgement via email/letter to the complainant should identify who will deal with the case and a reasonable timeframe for response.

The Trustee may investigate the facts of the case themselves or delegate a suitably senior person to do so. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage 1.

If the complaint relates to a specific person, they should be informed and given a further opportunity to respond.

The person who dealt with the original complaint at Stage 1 should be kept informed of what is happening.

Ideally, complainants should receive a definitive reply within four weeks. 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 Board decides it is appropriate to seek external assistance with resolution.

External Stage

The complainant can complain to the Charity Commission at any stage.

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.

Variation of the Complaints Procedure

The Board may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about a trustee should not also have the same trustee as the person leading a Stage 2 review.

Monitoring and Learning from Complaints

The charity is responsible for ensuring that learning and actions arising from concerns and complaints occurring within their areas of responsibility are carried out within the given timescales and that progress is reported and discussed at local governance meetings. On an annual basis a review of any complaints should be undertaken. This review will be responsible for:

- Reviewing data relating to concerns and complaints.
- Identifying key themes/trends from the data and making recommendations for action.
- Ensuring that any significant issues are escalated appropriately and addressed promptly.
- Communicating any lessons learnt locally.

Training

The Chief Executive will work with Charity staff to create complaints training opportunities where a need is identified.

All training will be delivered in the interests of improving the standard of investigation and response to concerns and complaints as well as improving patient care, service delivery and effecting change. All materials used for training will not identify the patients or staff involved.

File storage and archiving

The Charity must retain records of concerns and complaints for ten years from the date of the last correspondence.

Litigation

If a complainant reveals probable negligence, the Charity's legal representation will be made aware immediately. However, the complaints procedure will not cease unless the complainant explicitly indicates an intention to take legal action and even if a complainant's

initial communication is via a solicitor's letter, the inference must not necessarily be made that the complainant has decided to take formal legal action.

APPENDIX 1

PRACTICAL GUIDANCE FOR HANDLING VERBAL COMPLAINTS

- Remain calm and respectful throughout the conversation.
- Listen – allow the person to talk about the complaint in their own words. Sometimes a person just wants to ‘let off steam’.
- Don’t debate the facts in the first instance, especially if the person is angry.
- Show an interest in what is being said.
- Obtain details about the complaint before any personal details.
- Ask for clarification wherever necessary.
- Show that you have understood the complaint by reflecting back what you have noted down.
- Acknowledge the person’s feelings (even if you feel that they are being unreasonable), you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation, e.g. “I understand that this situation is frustrating for you”.
- If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise.
- Ask the person what they would like done to resolve the issue.
- Be clear about what you can do, how long it will take and what it will involve.
- Don’t promise things you can’t deliver.
- Give clear and valid reasons why requests cannot be met.
- Make sure that the person understands what they have been told.
- Wherever appropriate, inform the person about the available avenues of review or appeal.