



The Anthony Seddon Fund
Supporting mental wellbeing in our community

Document Control	
Title:	Complaints Policy
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Scope:	
This policy is applicable to all The Anthony Seddon Fund staff, volunteers, and any person meeting the definition in the Complaints section who wishes to make a complaint to The Anthony Seddon Fund .	
Purpose:	
The purpose of this policy is to outline the complaints process of The Anthony Seddon Fund in relation to complaints, as defined in the Complaints Section of this policy.	
Supersedes:	
HR-002 – Complaints Policy – V3	
Next Review Date:	February 2024

Signed On Behalf of the Board of Trustees			
Name	Position	Signature	Date
1.			
2.			
3.			

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1. Introduction

Staff and volunteers manage and run **The Anthony Seddon Fund**, which provides daily assistance to vulnerable people, both those seeking advice and signposting and those in crisis. We are committed to providing high-quality services to all of our customers. When something goes wrong, we need you to tell us about it. This will allow us to deal with any issues and will help us improve our services.

The Anthony Seddon Fund aims to ensure that complaints made by customers, relatives, or their carers are resolved openly and promptly and that both complainants and staff are treated fairly. To enable this, the process should be:

- **Accessible and Well Publicised:** Hard copies are available upon request for customers and volunteers; digital versions are available via OneDrive for staff.
- **Confidential:** Only members of staff who are required to be part of the investigation process and management of the complaint will be made aware of the details of the complainant. Information from complaints may be used anonymously for the purposes of organisational learning.
- **Well Supported by Training:** Through induction sessions for staff and volunteers.
- **Timely:** The time taken to respond to the complainant is proportionate to the complexity of the complaint.
- **Simple:** The process is straightforward and easy to understand.

2. Definitions

A **complaint** is an expression of dissatisfaction, either verbal or written, that requires an investigation and a response to be made to the person who made it.

3. Making a Complaint

Persons Who May Make Complaints

A complaint can be made by any person who is affected by, or is likely to be affected by, an action, omission, or decision by **The Anthony Seddon Fund**.

A complaint may be made by a person acting on behalf of another person in any case where the latter:

- Has died.
- Is a child.
- Is unable to make the complaint themselves because of physical incapacity or lack of capacity within the meaning of the **Mental Capacity Act 2005**.
- Has requested the representative act on their behalf.

Timescale for Making Complaints

A complaint must be made within 3 months of:

- The date on which the matter that is the subject of the complaint occurred.
- If later, the date on which the matter that is the subject of the complaint came to the notice of the complainant.

The 3-month time limit will not apply if **The Anthony Seddon Fund** is satisfied that:

- The complainant had good reasons for not making the complaint within that time limit.
- It is still possible to investigate the complaint effectively and fairly.

How to Make a Complaint

If you are unhappy with any of **The Anthony Seddon Fund's** services, please speak to the relevant staff member or volunteer.

If you are unhappy with an individual at **The Anthony Seddon Fund**, sometimes it is best to tell him or her directly. If you feel this is difficult or inappropriate, then speak to the staff member's Line Manager or the Chief Operating Officer.

Frequently, we will be able to respond immediately. When the matter is more complicated, we will give you at least an initial response within five working days.

If you are dissatisfied with our response or wish to pursue the matter further, please write to or email (office@tasfund.org.uk) your complaint to:

**General Manager
The Anthony Seddon Fund
12 George Street
Ashton-under-Lyne
OL6 6AQ**

Handing of Complaint Where There is Possible Legal Action

Where the possibility of legal action is indicated before a complaint has been resolved, the General Manager will consider whether dealing with the complaint might prejudice the legal action. Where it is thought that dealing with the complaint might prejudice the legal action, resolution of the complaint will be deferred until the legal action has concluded.

In the circumstances described above, advice will be sought from legal advisors as necessary.

4. Investigation & Response

The Anthony Seddon Fund will acknowledge any complaint received no later than five working days after the day it was received. The acknowledgement may be made orally or in writing.

In written acknowledgments, the letter will include an offer by **The Anthony Seddon Fund** to discuss with the complainant the manner in which the complaint is to be handled, the timeframe within which the investigation of the complaint will be completed, and the date when the response will be sent to the complainant. Reassurances will be given, and the complaint will be handled in a sensitive and confident manner.

Investigations will be objective, impartial, and open. The Investigation Officer will be independent of the matters complained of and will not have been involved in the situation giving rise to the complaint prior to undertaking the investigation. The Investigation Officer will invite the complainant to a meeting within 14 working days, or as soon as is practicable after being assigned the complaint, to discuss and hopefully resolve the complaint.

If the complainant does not wish to meet or it is not possible to do so, the Investigating Officer will send a letter containing details of the original complaint, the findings of their investigation, and, if the complaint is substantiated, any actions taken or required. If at this stage, the complainant is not satisfied with the outcome of the investigation, they can request, in writing, that the complaint and outcome be reviewed by the Board of Trustees.

Serious concerns regarding the charity can be reported to the Charity Commission. Further information regarding this is available on their website.

5. Responsibilities

The General Manager is the position holder in charge of complaint management. This post is accountable to the Chief Operating Officer, who is in turn accountable to the Board of Trustees of **The Anthony Seddon Fund**.

The Chief Operating Officer will ensure that action is taken, if necessary, in light of the outcome of a complaint. The Chief Operating Officer will approve and sign written responses to complaints. In the absence of the Chief Operating Officer, an appropriately appointed senior manager will undertake this.

In reference to potential complaints, the General Manager will:

- Be accessible to anyone wishing to make a complaint and provide advice on the process.
- Coordinate the administration of the complaints process.
- Ensure fairness and objectivity at all times.

Role of All Staff

All **The Anthony Seddon Fund** staff must be familiar with the **Complaints Policy** and be able to advise customers, relatives, and their carers on how to make a complaint or raise a concern. Staff have a personal responsibility to try and resolve

problems and concerns fully and quickly when they arise, to avoid customers and carers feeling the need to submit a complaint.

If staff receive verbal comments, concerns, or complaints from customers, the member of staff should establish the facts and clarify whether a complaint is being made. Staff are encouraged, along with Line Management if required, to deal with concerns to which they can provide an immediate response. The aim is to resolve the matter causing concern, to reassure the person raising the concern, to learn from that person's experience, and to eliminate the potential for similar problems occurring in the future.

If a member of staff is able to resolve a complaint that has been made verbally, they should inform the General Manager of the incident and indicate that no further action is required. This "near-miss" will be recorded by the General Manager for monitoring of areas for improvement in service provision.

If a member of staff receives a concern or complaint that they are either unsure of how to deal with or that the complainant does not want them to attempt to resolve, they should immediately seek advice from their Line Manager or the General Manager.

6. Confidentiality & Consent

Confidentiality

All information in relation to complaints and their investigation must be handled within the guidelines outlined in **IG-001 - Data Protection & Confidentiality Policy** and **IG-006 - Information Security Policy**.

All communications in relation to complaints should be documented. They must contain as much detail as possible, including the date, time, and signature, where appropriate.

Files and documentation relating to complaints will be stored in the General Manager's office. Copies of complaint correspondence must not be placed in customer files and must be treated as confidential at all times.

All correspondence relating to the complaints process will be marked "**Private and Confidential**" with instructions of where undelivered mail should be returned to (without making reference to complaints).

Consent

Where someone other than the customer writes to complain, the General Manager will obtain written consent from the customer to confirm that they agree that the representative is complaining on their behalf and that they consent to details relating to their service attendance being disclosed to the complainant or representative to respond to the complaint, if required.

When a customer is judged to be lacking capacity, **The Anthony Seddon Fund's** Caldicott Guardian will decide whether, in the absence of the individual's consent, it is in the individual's "best interests" to disclose information to the complainant.

In the case of an individual who has died, the representative must be a relative or other individual who, in the opinion of the General Manager, had or has a sufficient interest in the individual's wellbeing and is a suitable person to act as the representative. If the General Manager determines that a person is not suitable, a full explanation outlining the reasons for the decision will be provided.

7. Implementation and Training

Mandatory training for all newly appointed staff, covering the **Complaints Policy** and complaints handling, is given with **The Anthony Seddon Fund** induction.

8. Process for Dealing with Unreasonable and Persistent Complaints

Complaints are processed in accordance with this policy, and **The Anthony Seddon Fund** will make every effort to achieve a satisfactory outcome for each complainant. Staff will respond to the needs of all complainants with patience and empathy; however, a small number of persistent and/or unreasonable complainants can be a significant problem for staff and can take up a disproportionate amount of time and resources. There are times when nothing further can reasonably be done to assist a complainant or rectify a real or perceived problem.

This section offers guidance to staff on the procedure for managing persistent or unreasonable complainants. It provides information on the process that should be followed and the options open to complainants if **The Anthony Seddon Fund** decides to designate them as "persistent or unreasonable".

This procedure should only be used as a last resort, after all reasonable measures have been taken to resolve a complaint.

Managing Persistent or Unreasonable Complainants

The handling of persistent or unreasonable complainants can be difficult, and it can place unwarranted demands on time and resources. It can also cause undue stress to staff, who may need to be supported in a difficult situation. Line Managers should ensure staff are supported through the complaints process, seeking further advice from the General Manager as required.

When handling persistent or unreasonable complainants, **The Anthony Seddon Fund** staff should ensure that the complaints procedure has been implemented

correctly, so far as possible, and that no material aspect of a complaint has been overlooked or inadequately addressed. Even persistent or unreasonable complaints may have substance, and it is essential that in dealing with such complaints, staff maintain an equitable approach.

If it is possible that this process will be invoked, all dealings with a particular complaint or complainant should be fully and carefully recorded. The purpose of this process for dealing with unreasonable and persistent complainants is:

- To identify situations in which a complainant may be deemed persistent or unreasonable and to suggest means by which those situations may be managed.
- To protect staff from the nuisance, abuse, and threatened or actual harm that may be caused by such complainants.

Criteria for Identifying Persistent or Unreasonable Complainants

Complainants to whom this policy may apply include those who:

- Refuse to accept the remit of the process to be undertaken.
- Request actions that are incompatible with the process or place unreasonable demands on staff while failing to recognise that these may be unreasonable (e.g., insist on responses to complaints or inquiries being provided more urgently than is reasonable or normal recognised practice).
- Change the substance of a complaint, raise new issues on a regular basis, or try to prolong contact by raising additional concerns or questions after receiving a response or while the complaint is being addressed. Care must be taken not to discard new issues that are significantly different from the original complaint. These might need to be addressed as separate complaints.
- Do not clearly identify the precise issues they wish to be investigated, despite reasonable efforts by The Anthony Seddon Fund to assist them in doing so, and/or the concerns identified are not within The Anthony Seddon Fund's remit to investigate.
- Submit concerns or complaints about the same issues that have previously been appropriately and fully considered and responded to.
- Focus on a trivial matter to an extent out of proportion to its importance while remaining focused on the point. It is recognised that determining what a "trivial" matter is can be subjective, and careful judgement must be used in applying this criterion.
- Are unwilling to accept documented evidence of care and treatment given as being factual, deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- In the course of addressing a registered complaint, make an excessive number of contacts with **The Anthony Seddon Fund**, putting unreasonable

demands on staff. A contact may be in person, by telephone, letter, email, or via social media. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, and each case must be judged according to its own circumstances.

- Fail to engage with staff in a manner which is deemed appropriate, e.g., repeatedly using unacceptable language; secretly recording telephone calls or meetings without consent (in contravention of the **Data Protection Act 2018**); refuse to adhere to previously agreed communication plans; or behave in an otherwise threatening or abusive manner on more than one occasion, having been warned about this.
- Have threatened or used actual physical violence towards staff, volunteers, or their families or associates at any time. This will, in and of itself, cause personal contact with the complainant and/or their representatives to be discontinued, and the complaint will, thereafter, only be pursued through written communication. All such incidents should be reported using CO-002 - Incident Reporting, Management and Investigation Policy.

Where behaviour that might otherwise make the complainant persistent or unreasonable is, or may be, the result of mental or physical ill health, careful thought should be given to the desirability and implications of invoking this process.

Options for Dealing with Persistent or Unreasonable Complainants

In the first instance, the General Manager will be approached to discuss the complaint and negotiate the possible application of this policy. The General Manager will be responsible for liaising with all parties to negotiate the application of this policy.

Where a complainant is identified as being persistent or unreasonable in accordance with this policy, the General Manager, in conjunction with the Chief Operating Officer, may decide to take any one or more of the following measures:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of calls that will be taken or made.
- Requiring contact to be made with a named member of staff.
- Requiring contact to be made through a third person, such as an advocate.
- Limiting the complainant to one mode of contact.
- Requiring any personal contact to take place in the presence of a witness.
- Refusing to register and process further concerns or complaints about the same matter.
- Only acknowledging the correspondence that is received after the completion of a case.
- Informing the client that future correspondence will be read and placed on file but not acknowledged.

- Advising that **The Anthony Seddon Fund** does not deal with correspondence that is abusive or contains allegations that lack substantive evidence.
- Request that the complainant provide an acceptable version of the correspondence or make contact through a third party to continue communication with **The Anthony Seddon Fund**.
- Ask the complainant to enter into an agreement about their contact. Breach of any such agreement might result in the taking of one or more of the other steps set out here.
- Advice that irrelevant documentation will be returned in the first instance and, in extreme cases, may be destroyed.
- Inform the complainant that any further communication will or may be forwarded to The Anthony Seddon Fund's solicitors for advice and/or action.

Once a restriction is put in place, a letter will be issued to inform the complainant about the decision, what it means for future contact with The Anthony Seddon Fund, how long the restrictions will remain in place, and what they can do to have their position reviewed. The complainant will be provided with a copy of this policy.

Withdrawing Persistent or Unreasonable Status from a Complainant

Once complainants have been determined to be persistent or unreasonable, there needs to be a mechanism for withdrawing this status at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further complaint for which normal complaints procedures would appear appropriate. Staff should have previously used discretion in recommending a persistent or unreasonable status at the outset, and discretion should similarly be used in recommending that this status be withdrawn when appropriate. Such a decision may only be taken by the General Manager and Chief Operating Officer acting jointly.

Once a complaint that had been deemed persistent or unreasonable has been deemed no longer to be such, normal contact will be resumed with the complainant, and **The Anthony Seddon Fund Complaints Procedure** will once again apply.

Appeal

If a complainant, or someone with authority to act on their behalf, disagrees with the decision to deem them persistent or unreasonable, they may put their reasons in writing and address them to **The Anthony Seddon Fund** Chairperson. Upon receipt, the Chairperson will consider it a request by the complainant for withdrawal of persistent or unreasonable status. The Chairperson will reconsider the decision to impose such a status on the complainant and will do so in consultation with the General Manager and the Chief Operating Officer.

9. Review

This policy will be reviewed annually to ensure that it remains up-to-date and reflects the needs and practices of the organisation.

The policy may also be reviewed if legislation changes or if monitoring information suggests that policy or practices should be altered.