



Health & Safety Cornwall

Policy and Procedure Name:	Complaints
Date Effective:	February 2013
Written By:	Josh Bourne
Review Date:	July 2016

COMPLAINTS PROCEDURE

1. Dealing with complaints – initial concerns

- a. All staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.
- b. This procedure deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the subject teacher or the individual delivering the service, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

2. Dealing with complaints – formal procedures

- a. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- b. We have nominated a senior member of staff to have responsibility for the operation and management of the complaints procedure. In our establishment this is the Director or in their absence the Head of Service.

3. Framework of Principles

- a. We intend that our complaints procedure will:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - be simple to understand and use;
 - be impartial;
 - be non-adversarial;

- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the organisation's senior management team so that services can be improved.

4. Investigating complaints

- a. It is suggested that at each stage, the person investigating the complaint (the investigator), makes sure that they:
 - establish what has happened so far, 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 or arrange for an independent note taker to record minutes of the meeting.

5. Resolving complaints

- a. At each stage in the procedure staff will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the

complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review establishment policies in light of the complaint.
- b. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the organisation could have handled the situation better is not the same as an admission of negligence.
- c. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

6. Vexatious Complaints

- a. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the director is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the organisation to respond.
- b. It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

7. Time Limits

- a. Complaints need to be considered and resolved, as quickly, and efficiently as possible. There should be realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay.

8. Cut-off Limits

- a. It is arguably reasonable to expect students, parents and others to make a complaint as soon as possible after an incident arises but there may be good reasons why a person has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, staff should ensure that if they have given a general cut-off date that they are willing to consider exceptions. We do not have a blanket policy of refusing to consider any complaints not lodged within the stated period.

9. The Stages of Complaints

- a. Stage 1 (informal): complaint heard by staff member

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 the establishment can be crucial in determining whether the complaint will escalate. To that end, staff must be aware of the procedures in order for them to know what to do when they receive a complaint.

Staff must respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to an awarding body, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if awarding bodies did not act unilaterally on an

individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure (stage 4).

b. Stage 2 (formal): complaint heard by Head of Service

The Head of Service influence will already have shaped the way complaints are handled in the establishment. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Head of Service may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

c. Stage 3 (formal): complaint heard by the Director

If the complainant is not satisfied with the response of the Head of Service or the complaint is about the Head of Service, the complainant should write to the Director to request that their complaint is considered further.

d. Stage 4 (formal): complaint heard by Awarding Bodies

If the complaint has not been able to be resolved after Stage 3, the complainant may wish to refer their complaint to the relevant awarding body, whose details are given below.

CIEH Quality Assurance Manager
Chartered Institute of Environmental
Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Tania Barker
Customer Service Manager
NEBOSH
Dominus Way
Meridian Business Park
Leicester
LE19 1QW

Signed:

Date: