

HEMEL HEMPSTEAD DAY CENTRE LTD

Company Registered in England No: 1288177

Registered Charity No: 272688

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Complaints Policy and Procedures

1. QUALIFICATION:

- 1.1 Complaints must be made by and must be in respect of an individual or by someone acting on behalf of that individual.
- 1.2 The complaint must be about a service provided by Hemel Hempstead Day Centre (The Centre in the Park) or the need or possible need for such a service.

2. SCOPE:

- 2.1 The procedure excludes only those for whom the charity has no power or duty to provide a service.
- 2.2 Representations will include inquiries about the availability and comments on the delivery and nature of services and will not necessarily be critical. They should as far as possible be sought out and welcomed as a measure of user satisfaction and of performance. The guidance recognises the need of these procedures to protect the interests of individuals.
- 2.3 The spirit in which complaints procedures are implemented will largely determine their effectiveness. They are most likely to ensure quality and protect individuals when they stem from a recognition of users' needs and rights. They will fail to be effective if they are perceived by managers or staff as a threat.
- 2.4 Complaints can result from an unresolved problem or from a measure of dissatisfaction or dissatisfaction or disquiet about the organisation, about the implementation of decisions, about the quality and appropriateness of services, or about their delivery or non-delivery.

3. INFORMATION:

The quality and content of the information given to service users and their representatives and carers will influence the pattern of complaints. Clear communication will help avoid misunderstandings.

4. OBJECTIVES:

The Centre in the Park complaints procedures should:

- 4.1 provide an effective means of allowing service users or their representatives to complain about the quality or nature of services;
- 4.2 ensure complaints are acted on;

- 4.3 aim to resolve complaints quickly and as close to the point of service delivery as is acceptable and appropriate;
- 4.4 give those denied a service an accepted means of challenging the decision made;
- 4.5 give managers and Executive members an additional means of monitoring performance and the extent to which service objectives are being achieved.

5. DEFINITIONS:

- 5.1 "complaint" refers to the person from whom a representation or complaint is received, whether they are acting on their own behalf or on behalf of another person;
- 5.2 "complaints procedure" refers to the arrangements made by TCITP and or the directions made under it;
- 5.3 "registered complaint" refers to a complaint made or recorded in writing and sent or referred to an officer of designated responsibility for assisting in the co-ordination of the complaints procedure;
- 5.4 "independent person" is the person invited by TCITP to take part, as a member of a panel, in the review of a complaint;
- 5.5 "a panel" is a group of 3 neutral members of the Executive Committee, if possible these will be people who have not been directly involved in the complaints procedure at any previous stage. TCITP may replace one Committee member by an independent external person.

Complaints procedures should be kept separate from:

- (i) grievance procedures, which concern staff issues i.e. conditions of service, management and support or concern disputes under the Hertfordshire County Council Service Level Agreements'
- (ii) disciplinary procedures, which apply to the actions of staff in relation to failures to comply with codes of conduct, practice, instructions or other relevant professional or administrative guidance.

6. CONSULTATION:

TCITP have aimed to develop a complaints procedure which is understood and accepted by staff, Executive members, service users and their representatives. The implementation plans should take account of the need for consultation with staff at all levels, with service users, their representatives and carers and with voluntary and other organisations with an interest. The requirements of the Race Relations Act 1976 and other equal opportunities legislation should also be kept in mind and legal advice sought where necessary.

7. COMPLAINTS PROCEDURE:

Essential requirements.

- 7.1 The complaints procedure should be uncomplicated, accessible to those who might wish to use them and understood by all members of staff. They should reflect the need for confidentiality at all stages.
- 7.2 TCITP must:

- designate an officer to assist in the co-ordination of all aspects of the consideration of complaints;
- ensure that the arrangements made clearly identify the key stages in the complaints procedure and the responsibility of staff at each of those stages;
- ensure that staff and Executive members are familiar with the arrangements made;
- consider and respond to every registered complaint within 28 days of receipt of the complaint and, where this is not possible, give an explanation of the position to the complainant within the first 28 days and make a full response within 3 months;
- address their response to the person from whom the complaint was received and also, where different, to the person on whose behalf the complaint was made and to any other persons who appear to have a sufficient interest or are otherwise involved or affected. The response should advise the complainant that further options are open should he or she remain dissatisfied'
- make arrangements so that where a complainant asks (within 28 days) for the charity's response to a registered complaint to be reviewed, a panel constituted by TCITP meets within 28 days of the organisation's receipt of the complainant's request;
- ensure that the panel's recommendation is recorded in writing within 24 hours of the completion of their deliberations, and is sent (formally) to TCITP to the complainant and to anyone acting on his behalf;
- decide on their response to the recommendation of a panel and make their decision known in writing to the person who requested the review and, where different, the person on whose behalf the request was made and any other persons as appear to have a sufficient interest or are otherwise involved or affected within 28 days of the recommendation. The letter should explain the organisation's decision and the reasons for it;
- keep a record of all complaints received and the outcome in each case; and identify separately those cases where the time limits imposed by the directions have been breached.

8. OPERATION:

The Chairman (or Deputy), being the designated officer shall:

- receive and investigate, or oversee the receipt and investigation of complaints that cannot be resolved informally;
- give advice on the response of TCITP to individual complaints;
- ensure the smooth running of the review arrangements including the appointment and servicing of review panels.

9. FORM OF COMPLAINT:

There should be no requirement in the first instance for complaints to be written down. Where a complainant wishes to pursue a matter that cannot be resolved informally the complaint should, however, be made in writing whether by the complainant or by someone (who might be a volunteer or member of staff) on the complainant's behalf. It is at this point that a complaint is 'registered'.

10. RESPONSE TO COMPLAINTS:

10.1 The aim at all stages should be to avoid delay and keep the complainant properly informed. A prompt response at the outset will increase the possibility of that response being accepted. Similarly, a member of staff might ask what outcome the complainant would find satisfactory, and might discuss with the complainant, especially where a complaint has been registered, when and how the charity will respond. In considering a response account should be taken of the possible need to offer redress, bearing in mind the complainant's hopes and aspirations.

10.2 The directions include a requirement to tell the complainant and others with an interest in a registered complaint about the outcome of the organisation's investigation. The need for others to know about TCITP response will depend on the circumstances of the individual case. For example, where members of staff are implicated in a complaint they are likely to have an interest in the outcome. In general, the aim should be to keep the number of those informed to an essential minimum, not least in the interest of maintaining confidentiality.

11. REVIEW:

The review procedure has already been described. Members of staff with a direct interest in the complaint should receive an explanation of the outcome of the review.

12. MONITORING:

TCITP should monitor the operation and effectiveness of their complaints procedure and should be used as a measure of performance and means of quality control.

13. PUBLICITY:

Service users, carers and their representatives will need to be properly informed about the policy.

- A factsheet "Making a Complaint to TCITP" should explain the procedure in straightforward terms.
- The leaflet should give the name, office address and telephone number of the Chairman and of organisations to whom those individuals might turn for advice.
- TCITP will discuss with other organisations how information about the complaints procedure should be made available to those with sensory handicaps, the housebound and those whose first language is not English or who do not speak English.

14. SPECIAL CASES:

An inflexible application of the complaints procedure in all cases would clearly be inappropriate. There will be circumstances in which the earlier stages of the procedure should be bypassed; or an entirely different route taken. Where serious allegations are made senior staff and Officers will need to be involved at the outset. Where the allegation is serious and substantial the police must be notified immediately.

15. TRAINING

It is essential that staff and Executive members understand the complaints procedure, the responsibility it places on them to secure their commitment to it. TCITP should make a copy of this document available to all those involved in its application.

Hemel Hempstead Day Centre Ltd is a non-profit making company 'Limited by Guarantee' the sole purpose of the company is to provide for the comfort and welfare of its members who are elderly residents of the Borough of Dacorum