

## Blackburn with Darwen Healthy Living

### Complaints Policy and Procedure

#### **Aim**

Blackburn with Darwen Healthy Living is committed to providing a high quality, transparent and accessible service to everyone we deal with. In order to do this, we need you to tell us when we get things wrong. We want to help resolve your complaint as quickly as possible. We handle any expression of dissatisfaction with our service which calls for a response as a complaint. We listen to your complaints, treat them seriously, and learn from them so that we can continuously improve our service.

#### **What is a complaint?**

A complaint is an expression of dissatisfaction, whether justified or not.

Therefore, we aim to ensure that:

- making a complaint is as easy as possible;
- we treat a complaint as a clear expression of dissatisfaction with our service which calls for an immediate response;
- we deal with it promptly, politely and, when appropriate, confidentially;
- we respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken etc;
- we learn from complaints, use them to improve our service.

We recognise that many concerns will be raised informally, and dealt with quickly. Our aims are to:

- resolve informal concerns quickly;
- enable mediation between the complainant and the individual to whom the complaint has been referred.

An informal approach is appropriate when it can be achieved. But if concerns cannot be satisfactorily resolved informally, then the formal complaints procedure should be followed.

#### **Formal complaints procedure**

We can receive complaints by letter, a complaint form or email. Alternatively, if required by virtue of reasonable adjustments. If you are disabled, and need a reasonable adjustment to ensure you can register your complaint, or have a language barrier you can contact us alternatively by telephone or by asking a member of staff to help you in writing out your complaint.

- We treat all complaints seriously.
- You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.
- We will treat your complaint in confidence within the Charity.
- We will deal with your complaint promptly. We will acknowledge receipt of a written complaint within five working days where we have a return address and you can expect to have a full reply within 15 working days. In a few cases we will not be able to send a full reply within 15 working days of receipt, for example if your complaint is very complex. If this happens, we will tell you the reason why and let you know when we will be able to reply in full, keeping you fully informed of progress.
- We will not treat you less favourably than anyone else because of your:
  - sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
  - sexual orientation
  - colour or race: this includes ethnic or national origin or nationality
  - disability
  - religious or political beliefs, or trade union affiliation
  - any other unjustifiable factors, for example language difficulties, age, pregnancy and maternity.

### **Third Party Reporting**

Complainants may wish to have a third-party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:

- advice organisations
- professionals such as social workers, doctors or solicitors
- family members or friends

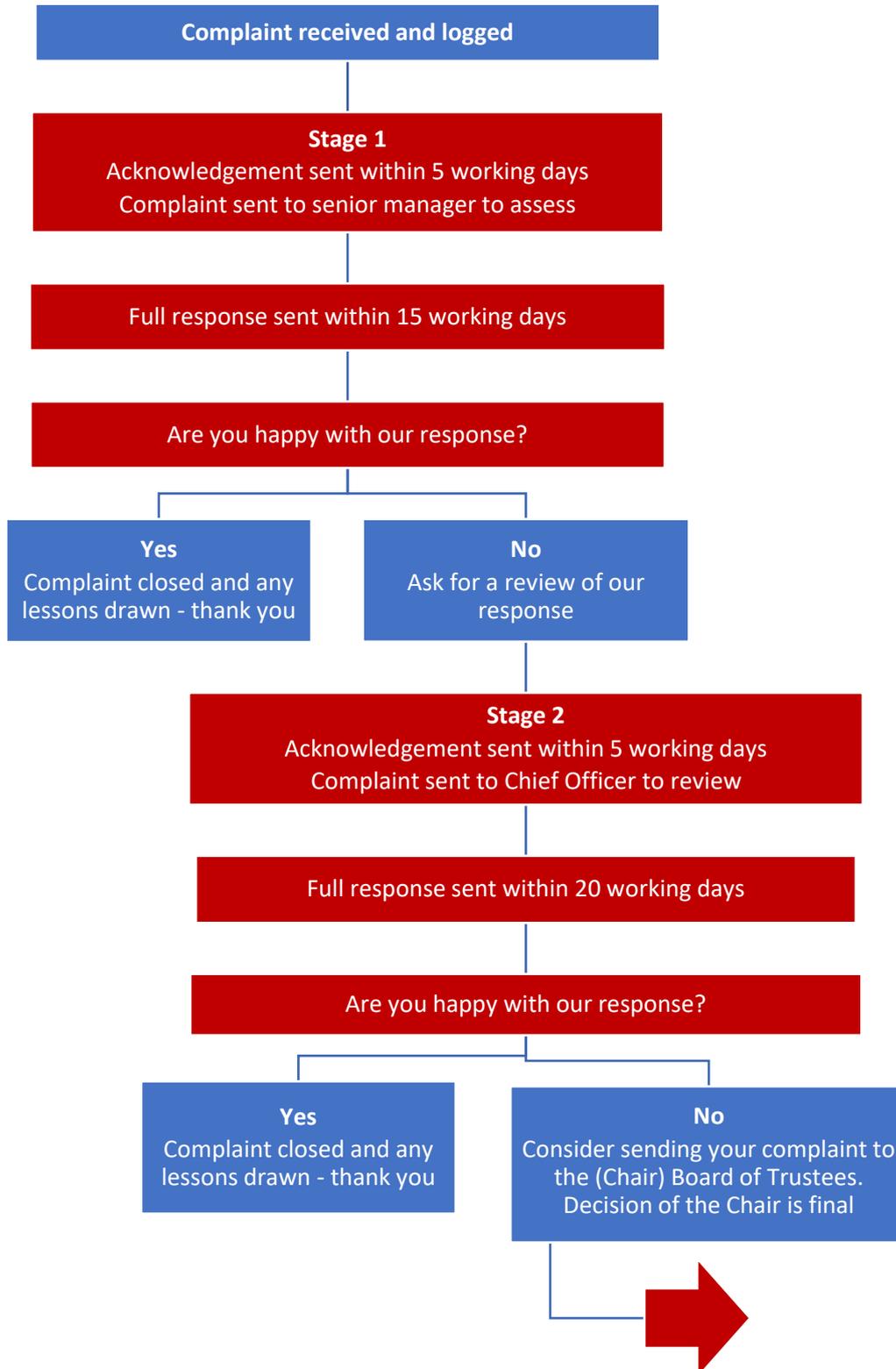
Where a third party is helping a complainant with a particular complaint, we need written consent to that effect. Where we have this authority, we will endeavour to take all possible steps to keep the third party informed of progress on the complaint.

Also, some lawyers and attorneys are legally empowered in certain circumstances to act on behalf of a complainant, and consent to disclose information is not required.

## Confidentiality

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998.

### How we will respond to your complaint



## **Complaints procedure**

We have two-stage complaints handling procedure, explained above. At each stage it will help us to resolve your complaint quickly if you can give us as much clarity and detail as possible, including providing any documents and correspondence and stating that you are making a complaint. If we do not have all the details required to deal with the complaint, we may contact you and ask you for further information.

### **Stage 1**

This is the first opportunity for us to resolve your dissatisfaction. We expect the majority of complaints to be resolved at this stage. On receipt of your complaint we will contact a senior manager and ask them to respond to your complaint.

### **Stage 2**

If you are dissatisfied with the response at stage 1, you may request a review. This will be carried out by the Chief Officer.

### **If you are still dissatisfied**

If having followed the two stages of complaints procedure you remain dissatisfied, you can ask to have your complaint reviewed by the Chair (Board of Trustees). The Chair will assess whether there is evidence of failure or maladministration in stage 1 and stage 2 of the complaint's procedure. You have a maximum of **28 days** from the date of the final stage 2 response to register a complaint with the Chair (Board of Trustees). The decision of the Chair is final.

## **Timescales**

### **Stage 1**

We will acknowledge complaints within 5 working days of receiving each complaint. We will send a full response within 15 working days of receiving each complaint.

If you make a complaint in person to a member of our staff (at an event or meeting), we will record your complaint in writing within 3 working days, and acknowledge it within 5 working days thereafter. We will then deal with your complaint in accordance with our policy for written complaints.

## Stage 2

We will acknowledge complaints within 5 working days of receiving each complaint. We will send a full response within 20 working days of receiving each complaint.

### Extending time limits

We aim to complete our investigation into all complaints received about our service within the timescales set out above. However, in a limited number of cases - for example, if a complaint is very complex or requires further breakdown, it may be necessary to extend the time limit to ensure we have all the information necessary to deal with it. If this is the case we will keep you informed of progress with the investigation, the reasons for the delay, and inform you of next steps.

### Remedies

When we get things wrong we will act to:

- accept responsibility and apologise
- explain what went wrong and why, and
- put things right by making any changes required
- learn lessons from mistakes and change policies and practices where proportionate and sensible to do so

### Vexatious and repetitive complaints and unreasonable or abusive behaviour

All complaints will be dealt with in accordance with this policy. However, unreasonable or abusive complaint behaviour does happen from time to time. We sometimes receive complaints which can be deemed 'vexatious' or 'repetitive'. Difficulties in handling such situations can place strain on time and resources and can be stressful for staff who have to deal with these complex and challenging issues.

*Full guidance on the above is included as an addendum.*

## **Recording Complaints**

Complaint details, outcomes and actions taken are recorded by us and used for service improvement.

We will handle your information so that it is only processed and retained appropriately and legally, in line with data protection legislation.

## **Contacting us**

Quality of service is an important measure for us of our effectiveness. Learning from complaints, including non-service complaints is a powerful way of helping continuous improvement at the Charity and enable us to better deliver to our values and standards.

All complaints and requests for review under our complaint's procedure should be sent as follows:

By post:

**Blackburn with Darwen Healthy Living  
Bangor Street Community Centre  
Norwich Street  
Blackburn  
BB1 6NZ**

**E mail:** [info@bwdhl.org.uk](mailto:info@bwdhl.org.uk)

If you are unable to contact us in writing as above, and require a reasonable adjustment because you are a disabled person, or have a language barrier you may contact us as follows:

**Telephone:** 01254 292650

**This policy is integrated with other existing Blackburn with Darwen Healthy Living policies.**

**Review date: June 2022**

**Next review date: June 2024**

## **Addendum to the Complaints Policy and Procedure**

### **1. Vexatious or repetitive complaints**

Deciding whether a complaint is vexatious requires us in each case to consider the context and history of the complaint. We will consider whether the complaint is likely to cause unjustified distress, disruption or irritation. In particular, we will consider the following issues:

- Could the complaint fairly be seen as obsessive?
- Is the complaint harassing or causing distress to staff?
- Does the complaint appear to be designed to cause disruption or annoyance?
- Does the complaint lack any serious purpose or value?

The concern we will address is whether a complaint is vexatious in terms of the effect of the request on us and not whether the applicant is personally vexatious.

By its ordinary meaning, the term 'vexatious' refers to activity that "is likely to cause distress or irritation, literally to vex a person to whom it is directed".

For a complaint to be vexatious, we will consider whether there is a proper or justified cause for it. We will not only examine the complaint itself, but also its context and history. That context may include other complaints made by the applicant to us (whether complied with or refused), the number and subject matter of the complaints, as well as the history of other dealings between the complainant and ourselves. The effect a complaint will have may be determined as much, or indeed more, by that context as by the complaint itself.

We will take into consideration the following factors (which are not an exhaustive list) when determining whether a complaint is vexatious:

- where the complaint requests information which has already been provided
- where the nature and extent of the complainant's correspondence with us suggests an obsessive approach to disclosure
- where the tone adopted in correspondence by the complainant is confrontational and/or haranguing and demonstrates that the purpose is to argue and not really to obtain information
- where the correspondence could reasonably be expected to have a negative effect on the health and well-being of our staff

- where the complaint, viewed as a whole, appears to be intended simply to re-open issues which have been disputed several times before, and is, in effect, the pursuit of a complaint by alternative means
- where responding to the complaint would likely entail substantial and disproportionate financial and administrative burdens for us
- where it is not a one-off complaint, but a case of the same complaints having been made repeatedly, or where on repetition, the particulars of the complaints have been varied making it difficult to know exactly what the complainant is seeking and making it less likely that the request can be satisfied

No single one of the above factors would lead to a finding, by itself, that a complaint was vexatious. However, based on the strength of the various factors, taken together with the history and context of a complaint, a complaint may be deemed vexatious by the Charity.

It is important of course that all complaints from a single source should not be deemed vexatious just because some may have been so previously. This is particularly the case if, on the face of it, the complaint seems to be specific, stand alone and straight forward.

However, it is entirely appropriate and necessary, when considering whether a complaint is vexatious, to view that complaint in context - if, say, the complaint is part of a wider grievance against the Charity and is, for example, inextricably linked to an individual's quest to hold the Charity to account for perceived shortcomings.

Complaints can sometimes become a vehicle for individuals to try to reopen previous issues. Although we recognise that people are not always satisfied with the responses they receive, the raising of complaints is not a solution for problems that have not been resolved through other channels. Continued complaints after the underlying complaint has been addressed, go beyond the reasonable pursuit of resolution.

## **2.Unreasonable Behaviour**

The Charity understands that people may act out of character in times of distress or due to frustration. We do not view behaviour as unreasonable just because a complainant is forceful or determined. Charity staff make reasonable allowances for complainants' behaviour.

However, sometimes the situation between a complaint and the Charity staff can escalate and the behaviour of the complainant becomes unacceptable, for example becoming abusive, aggressive or threatening. Such abusive, aggressive, threatening or vexatious complaints are

in the very small minority but we sometimes find ourselves in the position where we need to restrict or end communication and access to our premises or staff.

Our staff have the right to undertake their work free from abuse, threats and harassment, or vexatious and repetitive complaints. We expect our staff to be treated with courtesy and respect. The Charity has a duty to protect the welfare and safety of staff and considers that violence, threats or abuse towards staff is unacceptable. Staff are also expected to treat complainants with courtesy, respect and fairness.

Complainants who harass, or have been abusive, aggressive or threatening on one or more occasions towards our staff - or their families or associates - directly or indirectly, will be considered unreasonable.

Any threats or acts of violence will cause direct contact with the complainant to be discontinued. Violence includes behaviour or language (written, oral, or in tone or otherwise) that may cause staff to feel afraid, threatened or abused. Examples of unacceptable behaviour includes but not exclusively threats, verbal abuse, derogatory remarks, rudeness, racist, sexist, homophobic, transphobic, disablist or other harassment based on personal characteristic or obscene remarks, repeatedly demanding disciplinary action be taken against staff, and where complainants are known to have recorded meetings or telephone conversations without consent.

We also consider that inflammatory statements and unsubstantiated allegations can amount to abusive behaviour.

Furthermore, Charity staff will end phone calls if the caller is considered aggressive, abusive or threatening. The complainant will first be told that we consider their language offensive or their behaviour unacceptable, and will be asked to stop using such language or behaviour.

If a staff member considers behaviour to be unreasonable they are advised in the first instance to refer it to their manager who may seek advice and guidance before determining future contact with the complainant, be that by telephone, in person, or electronically.

Where complaints are deemed vexatious, the complainant will be notified in writing that no further correspondence will be entered into on the matter in question. The Charity will initially keep one form of contact open so that there is not a 'blanket ban' on contact for any individual.

Where unreasonable or abusive behaviour is determined, the complainant will be notified in writing that no further contact will be undertaken, and this will apply to all Charity contacts. A copy of this policy will be included and, if and where appropriate, a no-contact period

specified. If further contact is necessary, the complainant will be informed that it will be made through a Senior Manager or their nominated officer/s. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

All incidents of harassment or aggression will be documented and referred to senior staff. In appropriate circumstances these matters may be referred to the police and the Charity may consider taking appropriate legal action against the complainant, if necessary, without prior warning.