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1. Introduction

Cruse Bereavement Care strives to ensure that its services, staff and volunteers offer the very highest quality experience to our clients, customers and communities. We acknowledge that sometimes we are not able to meet expectations and that sometimes things go wrong. This Standard aims to define a simple framework within which all complaints from clients, customers, other organisations and members of the public are quickly, fairly and effectively dealt with in a clear and transparent manner.

This Standard should be followed by all volunteers and staff in Cruse Bereavement Care who receive a complaint. It does not apply to staff members or volunteers wishing to make a complaint, when the Grievance Procedure should be followed.

This Standard also includes:

- Action flow chart (appendix 1)
- Information leaflet 'If you have a Complaint'
- Complaints register (appendix 2)
- Complaints form (appendix 3)

2. Complaints (definition)

For the purposes of this Standard, a complaint can be simply summed up as meaning 'an expression of discontent to which a response is required'. More often than not, people dislike complaining, especially to a charity which offers its services for free. But they may say they have a problem, concern or worry. They may ask for a quick chat and then express unhappiness or dissatisfaction. There are many ways in which people can complain without wanting to call it a complaint, but their concern may be very important to our organisation. We can be most effective by being open to this possibility and identifying complaints however they are made.

'It isn't for the organisation to decide whether the person has a complaint. If I'm the service user or the consumer and I think I'm complaining, I undoubtedly am...'

Charity Commission's Independent Complaints Reviewer

Aims and underlying principles

This complaints process aims to:

- Ensure that a structure exists which respects the right of people to be heard, to make complaints and to offer suggestions
- Provide a consistent approach to complaints across all parts of Cruse
- Encourage organisational learning and development to prevent similar complaints in the future
- Enhance Cruse's reputation by helping communication, showing a caring approach, helping to foster a good reputation for customer service and confirming our commitment to excellence

This complaints process has the following underlying principles:

- Openness & accessibility - we are flexible about the ways in which people can complain and offer effective support for people wishing to do so
- Fairness and transparency - our emphasis is on early, informal resolution where possible, minimising the strain and distress for all involved
- Responsiveness - we attempt to provide appropriate and proportionate responses to upheld complaints
- A commitment to continuous improvement - by recognising that complaints can be a positive opportunity for organisational learning and ongoing development.
- Independence from vested interests – no-one who may be implicated, or who is a relative or friend of someone who may be implicated, if it is upheld, should have responsibility for investigation or decision making in relation to the complaint.

3. Process

Any person who is making or wishes to make a complaint should be given access to the leaflet 'If you have a Complaint', which outlines the process to be followed and our obligation to respond to the complaint. All Branches and Areas in Cruse should keep a supply of this leaflet, which is also available from Central Office or can be downloaded from the Cruse public website.

The client may choose to withdraw the complaint at any stage in this process.

a) Initiating a complaint

There is a variety of ways in which complaints may be made. The matter of importance is that the complaint is listened to and is followed up appropriately. People may complain:

- Before or during bereavement support, in one to one or group meetings with volunteers or staff members
- In the client evaluation process
- In person to any volunteer or member of staff of Cruse
- By writing to or emailing a Branch, Area, service, volunteer or staff member
- By telephoning or faxing a Branch, Area, service, volunteer or staff member
- By filling in a complaints form (appendix 2) available on the Cruse website www.cruse.org.uk or on request from Cruse Central Office
- By calling the Helpline (to express concern about the Helpline or about another service).

While it is difficult to be prescriptive about the timescale in which a person may make a complaint, it is reasonable to suggest that if a complaint is to be followed up and investigated, then the matter in question should have taken place no more than 3 months previously unless the circumstances are exceptional and these have been considered by the Area/Branch Committee.

All complaints should be recorded on the complaints register (Appendix 3) held by the Branch, Area or appropriate office, which briefly details the nature of the complaint and action taken. It is not necessary for the complainant to fill in a complaints form unless they specifically wish to. It is sufficient that a note of the complaint is made in the complaints register as soon as practicable by the person receiving the complaint. Accompanying documents, notes etc. will be filed separately and securely, and cross-referenced.

b) Dealing with a complaint

i. Communication

It is good practice to acknowledge a complaint in writing but this may not be necessary in every circumstance. If a complaint is taken to Stage 2 or 3, however, acknowledgement and communication of the result must be in writing, unless the special needs of the complainant require another form of communication. In all such cases, a written version of the communication must be filed with the Complaints Register.

ii. Initial assessment and identifying potentially serious complaints

Assessments made at the start of the process must not pre-empt the results of an investigation, and all complaints must be taken seriously. However, complaints involving grave allegations, particularly those of a criminal nature, require specific actions to be taken in order to protect clients and members of the public, and to safeguard the reputation of Cruse Bereavement Care. Examples might be allegations involving:

- Abuse of any kind
- A criminal offence
- An inappropriate relationship between volunteer/staff member and client
- An allegation which could give rise to civil action for damages (breach of confidentiality with serious consequences for the client, allegations of assault etc. which may be taken to the civil courts with their lower standard of proof, etc.)
- The potential for damaging media reports, damage to Cruse's reputation, withdrawal of funding, etc.

Any complaint which appears likely to fall into this category must immediately be reported to the Chief Executive's PA at the Central Office of Cruse Bereavement Care, and Stage 2 of this procedure

initiated. This is to enable advice and help to be offered by Central Office to the Area/Branch/service affected by the complaint.

Complainants making any allegation of a criminal offence must be advised to report the matter to the police, and should be assured that Cruse will conduct an internal investigation. It is usual to postpone an internal investigation until a police investigation has been completed.

Additionally:

- Help may be required in handling the media; services must not respond to media comments and questions without first asking for advice from Central Office
- Cruse Bereavement Care is required to report all potentially serious complaints to our professional indemnity insurer, as soon as the matter becomes apparent
- Serious complaints must be reported annually on our Charity Commission return

In the case of a serious complaint against a volunteer or staff member it may be necessary to suspend the subject of the complaint without prejudice until the investigation of the complaint is completed and a decision about whether to uphold the complaint is reached.

iii. Other complaints

Stage 1 - Informal Resolution

1. By whatever method a complaint is made, every effort should be made to resolve it locally and informally wherever possible. Key tasks for the informal resolution of complaints include listening and understanding the complaint, acknowledging the importance of the complaint, and responding appropriately. All complaints, even if resolved informally should be noted on the complaints register (appendix 3) and the leaflet 'Complaints about Cruse' issued where appropriate.

2. If it is not possible to resolve a complaint at the time it is made, or should the person in receipt of the complaint not be able to resolve it him/herself, then the complainant should be advised that the complaint will be passed on, initially to the Area/Branch Chair, Chair of the local Client Services Committee or most appropriate staff member (depending on the nature of the complaint, as detailed below), who will ensure that the matter is followed up and that someone will be in contact with them. The complainant should at this stage be offered the opportunity to complete a complaint form if they wish and be given a copy of the leaflet 'If you have a Complaint'. All complaints reaching this stage should be acknowledged in writing and the complainant advised that his/her details will be passed on initially to the Area/Branch Chair, Chair of the local Client Services Committee or relevant staff member and that the appropriate person will be in contact with them.

The Area/Branch Chair or service manager is accountable for the handling of complaints. Complaints about volunteers, client services, training, supervision etc. should be dealt with by the Chair of Client Services; complaints about management, administration, finance, the operation of the Area/Branch etc. should be dealt with by the Area/Branch Chair or service manager. The Chair may, if appropriate, delegate dealing with the complaint to a member of staff who should seek guidance from the Chair where necessary.

3. Once in receipt of the complaint, the Chair, staff member, or other volunteer to whom this task has been delegated (this could be the Referral or Allocation Officer, Supervisor or other appropriately experienced volunteer) should contact the complainant, clarify the complaint and the expectations of the complainant and set a reasonable timescale for looking into and responding further to the complaint. Attempts to resolve the matter informally at stage 1 should take no longer than 15 working days and the outcome of attempts at informal resolution should be reported to the appropriate Chair or staff member and noted on the complaints register. If the complaint is so serious that resolution is not possible or the complainant clearly expresses his/her wish to proceed to a formal investigation and resolution, the complaint is referred back to the Area/Branch Chair, Chair of Client Services or staff member and moves to Stage 2.

Stage 2 - Formal Investigation and Resolution

1. The Chair appoints a member of the Area/Branch Management Committee or Client Services Committee to undertake a formal investigation and notifies the complainant. This should not be the person who handled Stage 1.

2. The appointed Committee Member meets with the complainant, clarifies the specifics of the complaint, assesses why the complainant remains dissatisfied, what resolution is being sought, investigates matters and interviews other parties as appropriate.

3. The Committee Member gives a brief report with recommendations for action (this may be verbally) to the Chair or staff member, who then responds to the complainant, with confirmation in writing, in an attempt to resolve the complaint.

Attempts to resolve the complaint at stage 2 should take no more than an additional 30 working days. If resolution is not possible or the complainant remains dissatisfied then the complaint is referred for formal hearing, reported to the relevant Regional/National committee or Senior Manager and moves to stage 3.

Stage 3 - Formal Complaint Hearing

1. The Area/Branch Chair, Chair of Client Services or staff member requests that the Regional Chair or in cases where there is no Regional/National Committee or Chair, the Regionally Elected Member (or Chief Executive, in the case of the Helpline) appoints a complaint panel of preferably three persons, at least one of whom must be independent of the Area/Branch or service and a second who is a member of the Regional/National Committee, or ideally a Trustee. If appropriate, one Panel member with relevant expertise may be drawn from outside Cruse. A record of the meeting should be kept. The panel receives the details of the complaint, reviews the process so far and has sight of any reports or relevant documents and may request further information if necessary. The costs of investigating the complaint and setting up the hearing are the responsibility of the Area/Branch or service complained about.

2. The complaint panel arranges for a hearing to take place to which the complainant is invited to put their case in writing. The complainant may if s/he wishes attend the relevant part of the hearing in person and bring someone with them for support (this must not be a solicitor or legal representative).

3. The hearing will take information from the complainant, from the Committee member who undertook the formal investigation and from the Area/Branch Chair, Chair of Client Services or staff member, and the person(s) complained against. The Complaint Panel reports its findings and recommendations to the Area/Branch Chair or Chair of Client Services and the Regional Chair and responds formally in writing to the complainant informing them of the outcome of the complaint hearing.

Attempts to resolve the complaint through a formal complaint hearing at stage 3 should take no more than an additional 40 working days. If the complainant remains dissatisfied the complaint is referred to the Chief Executive or Chair of Council to arrange a final review. Possible grounds for review are:

- The judgement was perverse
- All the evidence was not considered, or new evidence has come to light
- The correct procedure was not followed

The Chief Executive or Chair of Council communicates their findings to the complainant. This decision is final.

4. Further information

a) Complaints affecting Cruse volunteers and staff members

People making complaints may need support even if they are not evidently vulnerable, because making a complaint can be embarrassing, stressful and exhausting. If the complaint is about an individual in Cruse, that person will also need support, as being the focus of a complaint can be stressful. Where the complaint concerns a volunteer or member of staff, they and their supervisor or line manager should be informed immediately by the Area/Branch Chair, Chair of Client Services or manager that a complaint has been received, who has made it, and the process to be followed. Where in the process of the complaint investigation it is necessary to interview a volunteer or staff member, they are entitled to nominate a support person from within Cruse who may accompany them whilst they are interviewed. In the case of a serious complaint against a volunteer or staff member it may be necessary to suspend the subject of the complaint without prejudice until the investigation of the complaint is completed and a decision about whether to uphold the complaint is reached. In such matters if the complaint is upheld and further action regarding the volunteer or staff member follows, the complainant is only entitled to know that the matter will be dealt with as appropriate.

b) Cross Area/Branch Complaints

Where the complaint crosses Branches or Areas e.g. where a volunteer has had contact with a client from another Area/Branch who has made a complaint, then the Area/Branch where the client resides should deal with the complaint but any subsequent matters concerning the volunteer are the responsibility of the Area/Branch to which the volunteer belongs.

c) Third party complaints & people with special needs

If at all possible, complaints should be progressed through direct contact with the complainant. There are, however, occasions where an advocate or third party may properly complain on behalf of someone else. Examples of these occasions include where the complainant is deeply distressed, is a child or young person, does not speak English as their first language, has communication difficulties or has a learning disability. In these circumstances, the same process should be used, but every effort made to explain and conduct the process in a manner that best suits the complainant's circumstances, e.g. in a way that is appropriate to the age and understanding of a child, or with the help of a key worker or interpreter. If necessary, additional support could be given by a bereavement volunteer who has experience of the circumstances of the complainant or who may have received specialised training, for example to work with children and young people. This principle extends to other people who may require an advocate or third party representative, or additional support to ensure that their complaint is heard.

d) Possible abuse or serious harm to the client or to someone else

As with all other contacts, should there be an indication of possible abuse of a child or vulnerable adult, or of serious harm through other means, the Cruse Child Protection or Protection of Vulnerable Adults Policy must be followed and help sought from a supervisor. In serious cases the need to prevent or mitigate serious harm may override the normal duty of confidentiality. This may involve asking the complainant to provide additional contact details, supporting them to contact other relevant agencies, and providing information about immediate or additional sources of help.

e) Serious complaints against other agencies

It occasionally happens that Cruse receives very serious complaints about other agencies. In such cases, Cruse as a whole must take responsibility for supporting the complainant through the necessary enquiries and procedures. This may involve:

- Researching names and contact numbers of responsible officials
- Assessing, with the complainant whether s/he feels able to follow through the necessary enquiries and providing support accordingly
- Pursuing enquiries on the telephone or in writing, or supporting the complainant in doing so, until a response has been achieved
- Providing additional support or supervision from within Cruse, or seeking this externally

This may be done by the Area/Branch/service, by Central Office or by both in co-operation according to what is appropriate for the complainant. Where the complaint raises a policy issue which Cruse should take up, the relevant senior manager should be notified of this.

f) Redress

There are various forms of redress that can be made in the event of a complaint being upheld or in some cases where it isn't. The most helpful form of redress is normally acknowledging when mistakes have been made or distress unintentionally caused and apologising. Other forms of redress might include:

- Rectifying the problem where possible
- Making a commitment to ensure that whatever went wrong does not recur
- Providing tangible evidence of this; possibly sending information about action taken
- Sending a letter of apology from an appropriate person

Whatever form of redress is given to the complainant, it should be as far as possible a fair and appropriate remedy.

g) Vexatious complaints

It is important to know where and how to stop when a complaint is unjustified. This Standard sets out the process through which a complaint should be dealt with, at which time Cruse will have taken all reasonable steps to deal with the complaint fairly and will be justified in taking no further action.

h) Confidentiality

Complaints processes are confidential; those investigating and those interviewed are required to observe this. However, individuals have a right to hear the nature of complaints against them.

As stated in the Confidentiality Policy, should a client or former client make unjustified criticisms of Cruse Bereavement Care in the Press, Cruse reserves the right to issue a statement. Client confidentiality will be observed as far as possible, but if already broken by the client, may become one of a number of issues in considering whether/how to respond.

5. Administering and monitoring complaints

a) Storage of the complaints register

The complaints register and related documents should be stored securely as they will usually contain confidential information including names and addresses.

Records may be confidentially destroyed 3 years after the last contact with the client, unless:

- The record contains details of a case where the Child Protection or Vulnerable Adults Policy has been invoked, in which case all information recorded must be retained for 6 years from the last contact with the client.
- The case has been the subject of a formal complaint, in which case all information recorded must be retained for 6 years from the date of the ruling on the complaint.

b) Use of the complaints register

Examples of real complaints may be used for Cruse staff and volunteer training purposes. Any details that may identify any individual, Area/Branch or client of Cruse must be removed or changed sufficiently so that the confidentiality of all concerned can be protected.

c) Monitoring complaints.

By monitoring the number and nature of complaints, Cruse can continually improve its practice and its service to clients. This is a responsibility shared by the Area/Branch, the Regional/National Committee and the national Client Services Committee.

- Every Cruse Area/Branch/service will maintain a Complaints Register
- At a time to be agreed, every service will send a copy of its Complaints Register to the Regional/National Committee
- Each Regional/National Committee will set aside time at a meeting at least once a year to review complaints received. The role of the Region would be to explore any unresolved issues and guide the Area/Branch in resolving them, as well as identifying any general trends or issues. The Area Representative on the Regional/National Committee is responsible for reporting on complaints made to the Branches.
- Once a year the national Client Services Committee will call in all Regions' lists and comments as the basis for a discussion of any issues arising and their implications for the Service Model, standards and training.

References

- 'Cause for Complaint? How charities manage complaints about their services' The Charity Commission for England and Wales, May 2006
- 'Complaints Procedure Management – a quick and low cost way to Quality Services in the charity sector' Charity Complaints Forum
- 'Making Experiences Count – the proposed new arrangements for handling health and social care complaints' Department of Health, June 2007