



# TIC+

## Complaints Policy and Procedure

Title:	Complaints
Category:	Policy
Version Number:	4.0
Last reviewed:	Oct 2019
Next review date	Oct 2020

This policy was ratified by the board of Trustees on 21 November 2019 and applies to all services delivered and referrals to service made from that date.

TIC+ is committed to providing a **high quality, transparent and accessible** service to everyone we have contact 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 welcome feedback, comments, suggestions and complaints. We **actively encourage you to contact us with your feedback, whether good or bad**. Complaints are important to us as they help us to see where our services, procedures and activities might be improved.

## **Positive feedback**

We often **circulate positive feedback within our organisation** having first **removed any identifying names**. This feedback acts as a great motivator and it may be used to help us identify good practice. The feedback may also be used in marketing and promotional materials about our service and also to evidence the effectiveness of our service to commissioners and funders, helping us to see more young people and families. **We will not publish your name** unless we receive your permission to do so.

## **When things go wrong**

**We recognise that** there may be times when our services do not **meet your expectations**. If this happens it is important that we know about it as soon as possible, so that we can **resolve the situation effectively** to try to prevent it from happening again, **to learn and to improve our services**.

## **Our promise and commitment to you**

We promise to take all feedback and complaints seriously and to deal with them in a timely manner.

A **complaint** is an expression of dissatisfaction;

## **Our standards for handling complaints**

---

- 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 TIC+.
- We will deal with your service complaint **promptly within timescales** described below.

## **How to complain to us**

The process below explains how you can comment on our service. It sets out how quickly you can expect a response from us and how we will use your feedback. It also states what you can do if you are not happy with the response given.

## **Stage 1:**

Please tell us about your complaint as soon as possible by one of the following methods. You should notify us within three (3) months of the event or outcome that you are complaining about:

### **a) Face-to-face whilst the service is still being provided**

e.g. **during/after a face to face counselling session/online counselling or support session/meeting/training/workshop**. The most effective way we can **resolve a problem** is if we are aware of it whilst you are still receiving the service that you are unhappy with. This means we can look into what has happened and try to resolve it there and then. This may not always be possible but we will do our best

If you are unable to do this, then:

### **b) Contact us by telephone**

If you are not able to **tell us face to face or online**, then the first step is to contact us (see contact details below or follow this [link](#)). Ideally the situation can be resolved by telephone as this is often the most effective way for us to find out exactly what has happened and to strive to resolve the situation quickly and efficiently and hopefully to your satisfaction.

### **c) Write to us with your complaint/concern**

You can also **email, text chat or send us a letter** about your complaint ([contact us](#)) details below). Please include as much information as you can about the complaint, along with your full name, address, postcode and telephone number.

## **Information we need to know to help us deal with your complaint**

Please make sure you tell us:

- what has happened
- when it happened- complaints must be made within three months of the event taking place to ensure we can respond appropriately.
- the background to the issue, if you think it is relevant
- what you have done to try and resolve it
- what you want us to do to put things right

## **What we will do next**

We will acknowledge your complaint within five working days. We aim to **resolve the problem** straightaway. If we are unable to do so, for example because the information we need is not to hand or we need to carry out further investigation, we will make a record of your complaint/concerns and agree the best way and time to contact you.

This will normally be within **ten** working days unless we make some other arrangement that is acceptable to you.

## **Stage 2:**

If, after our response, you are still unhappy please tell us this in writing either by letter or email and send this to the contact at the postal or email address above. Please set out clearly the details of the complaint, explaining why you are not satisfied with our response and what you would like us to do to put things right.

Once we have received a formal written complaint, the complaint will be acknowledged in writing or via email within **10 working days** from receipt.

At this stage we will **invite you in to meet with us face to face** with a non-involved member of our senior leadership team to explore your complaint. You will be able to bring someone with you if you like to support you, although as these are not legal proceedings, we do not accept legal representation.

If a face to face is not possible, due to geography or your convenience, we will offer you a telephone conference.

Following this meeting, the senior leadership team will respond to your complaint; this should normally be within **10 working days** unless the matter is very complicated in which case it may take us up to a maximum of **21 working days**. Where this is the case, we will still let you know what action is being taken and tell you when we expect to be able to provide you with a full response.

We can only respond to complaints where we have been able to follow our procedure as laid out above; if a complainant is unwilling to engage with the process, in part or full, we may not be able to progress the complaint investigation to its full resolution.

## **Third parties or other agencies**

When someone else complains on your behalf, we need written confirmation from you saying that you agree for them act for you.

If your complaint involves the actions of a third party (another agency for example) please be aware we may need to contact them as part of our investigation into your complaint. In circumstances where this is not possible, where consent to contact is withheld, or where there is restricted availability to fundamental facts, **we may not be able to investigate your complaint fully.**

In these cases, we may write to you to advise that as we are unable to establish a case based on a balance of probability due to lack of information, we will not be able to progress your complaint any further.

## **Continuation of service while a complaint is under way**

Your wellbeing matters to us. Raising a complaint would not, ordinarily, affect your right to receive counselling from us (see Appendix on Vexatious complaints/unreasonable behaviour) and we will wherever possible, endeavour to ensure that you are able to remain with same practitioner/professional, if that is your wish.

In some circumstances however, our duty of care to our staff may require us to refer/reallocate you to another professional of equal competence and we reserve the right to do this. If we decide to do this, we will **let you know first** and discuss fully with you **all the options** that are open to you, including going elsewhere for counselling.

### **Next steps:**

We really hope that we are able to resolve your complaint in an **honest, open and satisfactory** way. However, if after receiving a written response from us to your complaint you still feel that your complaint has been **unresolved** then there are a number of organisations that can investigate your complaint. Details are below:

### **External Agencies**

#### **Relating to the way the charity is run**

If your complaint is concerning a **serious risk of harm to the charity**, or its assets or the people it is set up to benefit, contact the Charity Commission.

The Charity Commission

PO Box 1227

Liverpool

L69 3UG

0845 3000 218

[www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)

#### **Relating to fundraising**

If your complaint is to do with **fundraising**, then the Fundraising Standards Board can investigate your complaint.

You must contact them within **two months** of receiving your response from us.

Fundraising Standards Board

Hampton House

20 Albert Embankment

London

SE1 7TJ

Tel: 0845 402 5442

#### **Relating to our counselling services**

You can also contact BACP (British Association of Counsellors & Psychotherapists) if you have a complaint about our **counselling services** that has not been resolved by our internal processes.

BACP

BACP House, Unit 15,

St. John's Business Park,

Lutterworth

LE17 4HB,

Email: Professional\_Conduct@bacp.co.uk

## **Putting it right**

When we get things wrong we will act to:

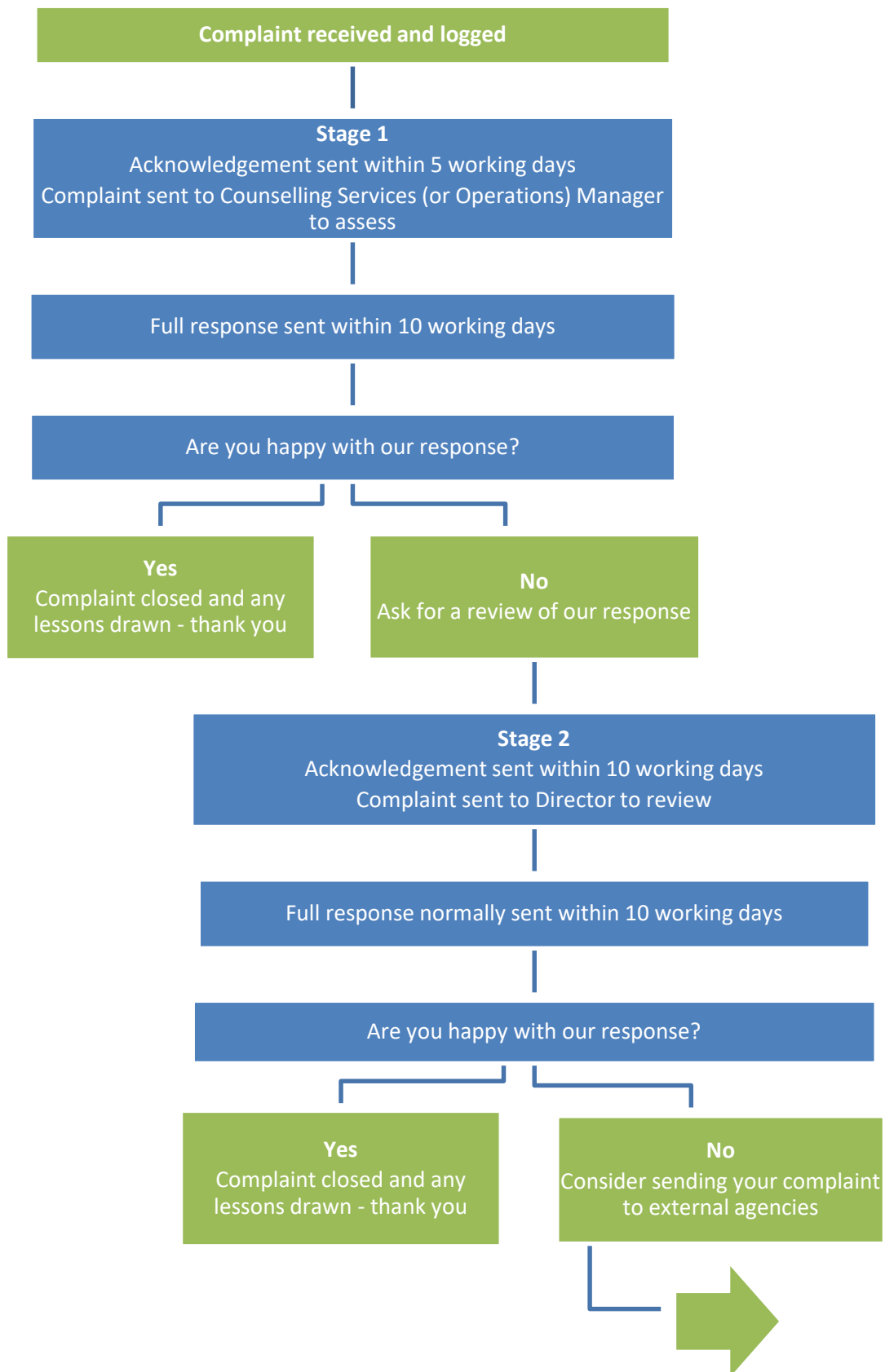
- **accept responsibility and apologise**
- **explain what went wrong and why**, and
- **put things right** by making any changes required
- **learn lessons** and change policies and practices where proportionate and sensible to do so

The action we take to put matters right (i.e. redress) in response to a complaint can include any combination of the remedies set out in the list below

The remedy applied needs to be **proportionate and appropriate** to the failure in service, and take into account what redress people seek when they complain. An **apology** is generally the most appropriate action, but **other action** may also be necessary in some circumstances. This may include:

- **A full apology**, explaining what happened and/or what went wrong. (an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006)
- **Provide the service required in first instance** (immediately, if appropriate)
- **Putting things right** (for example a change of procedure to prevent future difficulties of a similar kind, either for the complainant or others)
- **Training or supervising staff**; or a combination of both

Below is a simple **diagram of our complaints process**:



## **Vexatious/Repetitive complaints and unreasonable behaviour**

All complaints will be dealt with in accordance with this policy. However, **unreasonable** or **abusive complaint behaviour** does happen from time to time, and vexatious and repetitive complaints are an increasing problem for **charities and other voluntary sector bodies**.

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.

The Parliamentary and Health Service Commissioner defines unreasonably persistent complainants as **“those who, because of the frequency or nature of their contact with an authority, hinder the authority’s consideration of their or other people’s, complaints”**.

We have a policy which sets out how we will respond to these situations. This is set out in our Appendix.

## **Complaints Log**

Complaint details, outcomes and actions taken are recorded by us and used for service improvement. We record all complaints we receive and collate data from them to help us understand what types of problems are most prevalent, and how well we are doing to resolve them.

We value your feedback and expect to use it to help us to:

- **get things right in the future if** we have not done so already
- be more **open and accountable**
- seek **continuous improvement**

We will handle your information so that it is only processed and retained appropriately and legally, in line with data protection legislation. For more details, please refer to our Privacy Policy (<https://ticplus.org.uk/privacy-policy/>)

## **Staff Support**

TIC+ is committed to supporting its staff and recognises that being part of an incident, complaint or claim can cause distress. The Directors have ultimate responsibility for making sure that there are effective systems in place to support staff. This can include, amongst other support systems:



- Support from line manager
- Additional external supervision (counselling, managerial or whatever support is agreed to be appropriate for individual)
- Access to counselling support if appropriate

If significant stress is caused, leading to a negative effect on mental health, advice will be given by our external HR body on the appropriate support and actions, including being given the option to withdraw from delivering counselling where this is considered the best course of action.

**Contact us** All complaints and requests for review under our complaints procedure should be sent as follows

By post

**TIC+**

**Office 74, 4<sup>th</sup> Floor, Building 8,  
Vantage Point Business Village,  
Mitcheldean  
GL170DD**

By email: [feedback@ticplus.org.uk](mailto:feedback@ticplus.org.uk)

If you are unable to contact us in writing as above, and require a reasonable adjustment because you have additional needs which make this difficult, you may contact us as follows:

**Telephone:** 01594 372777

## **Vexatious Complaints, Unreasonable and Abusive Behaviour Policy**

---

**This policy is integrated with other existing TIC+ policies. It does not address issues of health and safety directly, which are dealt with elsewhere.**

This policy deals with service complaints which TIC+ staff consider vexatious or repetitive, and behaviour which we deem as unreasonable. It has been developed taking into account the [Information Commissioner's \(ICO\)](#) guidance under the Freedom of information Act 2000.

### **Vexatious or repetitive complaints**

We sometimes receive complaints which can be deemed 'vexatious' or 'repetitive'. Some of these complaints can be costly to handle; or responding to them may be a disproportionate use of our staff's time.

Deciding whether a complaint is vexatious requires us in each case to take into account 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 **intended 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 the complainant **refuses to engage** with the process (will not meet, answer emails but instead repeatedly sends complaints in)
- 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 TIC. 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 TIC+ and is, for example, inextricably linked to an individual's quest to hold TIC+ 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 cure-all 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.

## **Unreasonable Behaviour**

TIC+ 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. TIC+ staff make reasonable allowances for complainants' behaviour.

However, sometimes the situation between a complaint and TIC+ staff can escalate and the behaviour of the complainant becomes unacceptable, for example becoming abusive, aggressive or threatening. Such complaints are in the very small minority but we sometimes find ourselves in the position where we need to restrict or bring to an 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. TIC+ 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 include (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, TIC+ staff will bring to an 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 member of staff 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.

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 TIC+ may consider taking appropriate legal action against the complainant, if necessary, without prior warning. 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. TIC+ 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 TIC+ 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 Director or their nominated staff member. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

If you disagree with a decision made by TIC+ to regard your behaviour as unreasonable, you can challenge it. Please refer to our Complaints Policy.