



## National Survivor User Network

<b>Policy name</b>	<b>Complaints Policy</b>
<b>Operational from</b>	03/11/2020
<b>Next review date</b>	03/11/2022
<b>Responsible staff member(s)</b>	Mandy Crandale (Chief Executive Officer) <a href="mailto:mandy.crandale@nsun.org.uk">mandy.crandale@nsun.org.uk</a> Aimz Rushton (Chair of the Board) <a href="mailto:aimz.rushton@nsun.org.uk">aimz.rushton@nsun.org.uk</a>
<b>Associated policies</b>	Ethical Policy Equal Opportunities Policy Privacy Policy Diversity Policy
<b>Privacy</b>	External

## **Scope:**

At NSUN we aim to deliver high standards in everything we do. We take all concerns and complaints seriously and welcome all feedback as this provides us with opportunities to improve and maintain the standards we strive to achieve. Everyone has the right to make a complaint regarding their experiences of NSUN activities and communications with any of our employees, associates, volunteers or trustees, and will not be discriminated against because of it (see NSUN Equal Opportunities and Diversity Policy).

In order to ensure our services remain at a high and improving standard, we have a procedure through which you can let us know of for any reason you are not satisfied with your dealings with NSUN.

### **1. What is a complaint?**

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

**1.2** NSUN recognises a complaint as an expression of dissatisfaction, however made, about the standards of service, or an action or omission by an employee, associate, volunteer or trustee. We use this wide definition as it catches the broad spectrum of comments and complaints and brings them under one umbrella. It also reflects the fact that many people don't know how to categorise their problem and are often uncomfortable calling it a 'complaint'.

**1.3** Many people talk about 'queries' or 'concerns' which are likely to be minor complaints which can be quickly resolved or they might be misunderstandings that require further information. But they are still complaints under our definition.

**1.4** If an expression of dissatisfaction or discontent cannot be resolved immediately then NSUN will take follow-up action and provide a response as outlined in this policy. We recognise that we sometimes get things wrong. Your feedback will help us to resolve mistakes faster and learn how we can do things better to improve what we do and how we do it.

**1.5** All formal complaints made to NSUN are recorded and reported to the CEO, who will regularly advise the Board of Trustees of changes or improvements NSUN may be taking as a result of complaints received.

**1.6 Our policy covers complaints about:**

- the standard of service you should expect from us
- the behaviour of our employees, associates or volunteers in delivering that service
- any action, or lack of action, by our employees or others engaged on NSUN business

We refer to these complaints as "service complaints".

**1.7 Our complaints policy does not cover:**

- comments about our policies or policy decisions
- dissatisfaction or complaints expressed with our policies or campaigns
- matters that have already been fully investigated through this complaints procedure
- anonymous complaints

We refer to these types of comments or complaints as 'non-service complaints'. These are handled differently, as set out in the 'Comments and Non-service complaints' section on page 8.

## **2. Who can make a complaint**

**2.1 The Complaints Policy applies to the following:**

- Members of NSUN
- Volunteers of NSUN
- Stakeholders and partners
- NSUN funders
- Members of the public/any person who has any contact with NSUN

**2.2 Who can make a complaint:**

- Any person who has any contact with NSUN's may use the complaints procedure.
- The complaint may be made directly or by a third person representing the interests of the person.
- Complaints could come from NSUN members, from members of their family, from advocates or representatives, from professional workers in other agencies, or from a member of the public.

### **2.3 Examples of complaints:**

- Failure to provide a service at the right time or to the expected standard
- Neglect to answer a query or responding to a request
- Failure to follow NSUN's agreed policy, rules or procedures
- Failure to take proper account of relevant matters in coming to a decision
- Harassment, bias or discrimination by an employee or associate

## **3. Our standards for handling complaints**

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**3.1** We can receive complaints by email or letter, or alternatively if required by virtue of reasonable adjustments. We treat all complaints seriously.

**3.2** You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our employees or representatives dealing with your complaint with the same courtesy, respect and fairness.

**3.3** We will treat your complaint in confidence within NSUN.

**3.4** We will deal with your service complaint promptly. We will acknowledge receipt of a written complaint within five working days and you can expect to have a full reply within 20 working days. Sometimes we will not be able to send a full reply within 20 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.

**3.5** We will not treat you less favourably than anyone else because of your:

- (1) 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)
- (2) sexual orientation
- (3) colour or race: this includes ethnic or national origin or nationality
- (4) disability including mental health
- (5) religious or political beliefs, or trade union affiliation
- (6) any other unjustifiable factors, for example language difficulties, age, pregnancy and maternity.

## **4. Confidentiality**

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**4.1** Your complaint will be confidential and information about the complaint will usually only be shared with those who need to know in order to help resolve it. Occasionally, if the complaint is very serious, such as if it involved harm to yourself or to others, other people might have to be involved. This would be discussed with you at the time. We will handle all information in line with GDPR.

## **5. How to complain to us**

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**5.1** If you wish to make a complaint, you can do so by email or letter.

**5.2** If you are disabled, and need a reasonable adjustment to ensure you can register your complaint, you can contact us alternatively by:

- telephone (one of our officers will help you by writing out your complaint)
- asking a member of staff to help you in writing out your complaint

**5.3** Our contact details are in the Contacting Us section below. If you require different adjustments, let us know and we will try and put those arrangements in place where we can.

## **6. Service complaints procedure**

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### **6.1 Stage 1 - Informal**

If you are unhappy about any of NSUN's service, please speak to the relevant staff member, manager or CEO. Often we will be able to give you a response straight away.

If you are unhappy with an individual in NSUN sometimes it is best to tell them directly. If you feel this is difficult or inappropriate then speak to the staff member's manager or the CEO.

Often we will be able to give you a response straight away. When the matter is more complicated we will give you at least an initial response within five working days.

## **6.2 Stage 2 - Written complaint to CEO**

If you are not satisfied with our response or wish to raise the matter more formally, please email or write to the Chief Executive. (If your complaint is about the Chief Executive, please write to the Chair.)

What information we need from you

We will need:

- a clear, detailed description of what your complaint is about
- copies of any letters or emails related to the complaint
- your email address or postal address (so we can reply)

All written complaints will be logged. You will receive a written acknowledgement within five working days.

The aim is to investigate your complaint properly and give you a reply within twenty working days, setting out how the problem will be dealt with. If this is not possible, an interim response will be made informing you of the action taken to date or being considered.

## **6.3 Stage 3 - Written complaint to the Chair of the Board**

If after we have responded you are not satisfied, please email or write to the Chair who will report the matter to the Trustees, who will decide on any further steps to resolve the situation. The Trustees may at this stage appoint an external adviser or investigator.

## **6.4 Stage 4 - External complaint**

If you are not satisfied with the outcome of your formal complaint following all stages, you can find out how to complain about a charity.

- The complainant can complain to the Charity Commission at any stage <http://www.charitycommission.gov.uk/how-to-complain/>

- Information about the kind of complaints the Commission can involve itself in can be found on their website at: [www.charitycommission.gov.uk/publications/cc47.aspx](http://www.charitycommission.gov.uk/publications/cc47.aspx)
- Guidance for the general public <http://www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/guidance-for-the-general-public/>

## **7. Timescales**

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

**7.2** 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.

## **8. Remedies**

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**8.1** 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

## **9. Vexatious and repetitive complaints, and unreasonable or abusive behaviour**

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**9.1** 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. 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. Please see the addendum (page 10) which sets out how we will respond to these situations.

## **10. Recording complaints**

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**10.1** 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.

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

## **11. Comments and non-service complaints**

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**11.1** Learning from complaints, including non-service complaints (complaints not covered by this policy), is an important way of helping continuous improvement at NSUN and enable us to better deliver our work. All non-service complaints will be looked at by a responsible manager from the appropriate team, and a response, if required, sent to you directly within 20 working days where possible.

**11.2** As well as learning from your complaints we are also interested in ideas you may have on how we might do things better. We would also like you to tell us when we do things well.

**11.3** Your comments will be passed on to the relevant team and we will use them to help improve our service and the way we do things. You can make your comments by contacting any members of our staff.

## **Contacting us**

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

By email: [info@nsun.org.uk](mailto:info@nsun.org.uk)

By post:                   **c/o Beever and Struthers,  
150 Minorities,  
London EC3N 1LS**

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

**Telephone:** 020 7820 8982

### **Reasonable adjustments and alternative formats**

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You can make your complaint using your preferred method and format of communication. NSUN can signpost to appropriate support, translation or interpretation services to ensure equal access to this procedure for all. You may seek support from a relative, friend or advocate. NSUN staff should be aware and able to assist you to locate a local advocacy service should you need this assistance in order to make your complaint.

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

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This policy deals with service complaints which NSUN staff consider vexatious or repetitive, and behaviour which we deem as unreasonable.

### **1. 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:

- Is the complaint harassing or causing distress to NSUN employees, associates, volunteers or trustees?
- 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 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 employees, associates, volunteers or trustees
- 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 NSUN.

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 NSUN and is, for example, inextricably linked to an individual's quest to hold NSUN 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 panacea 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**

Our employees, associates, volunteers and trustees have the right to undertake their work free from abuse, threats and harassment, or vexatious and repetitive

complaints. We expect our employees, associates, volunteers and trustees to be treated with courtesy and respect. NSUN has a duty to protect their welfare and safety and considers that violence, threats or abuse towards them is unacceptable. NSUN employees, associates, volunteers and trustees 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 employees, associates, volunteers and trustees - 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 employees, associates, volunteers and trustees to feel afraid, threatened or abused. Examples of unacceptable behaviour includes but not exclusively threats, verbal abuse, derogatory remarks, rudeness, racist, sexist, homophobic, transphobic, ableist 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, NSUN employees 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 an officer 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. NSUN 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 NSUN contacts. A copy of this policy will be included and, if and where appropriate, a no-contact period specified. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

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

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