

## Feedback, Concerns & Complaints Policy

### **Purpose of this Policy**

This policy demonstrates Yellow Door's commitment to:

- Providing clear and candid communication with Service Users and other key partners.
- Listening to concerns and complaints and ensuring that all feedback, whether positive or negative, is handled sensitively, fairly and with due diligence.
- Continuously improving the services we provide and demonstrating a willingness to learn from errors.
- Ensuring YD Workers and Trustees understand their responsibilities in managing feedback, concerns and complaints and know what to do.

### **Policy Statement**

At Yellow Door we are committed to transparent and clear communication with Service Users and other key partners. We proactively seek feedback about our services and our organisation. We respond openly to negative feedback, concerns and complaints, looking to resolve these fairly and learn when there is something that the organisation needs to change. For the purposes of this policy, the term organisation includes our systems, structures, workers and services.

### Communication

Within each of our services we have processes in place that ensure clear communication with Service Users and partners at key points in their involvement with us such as referral, assessment and agreement of service to be offered, significant changes in plans, ending. We are open about: what to expect from the organisation, who to contact as lead worker, if there is a time-delay until a service can be offered and what support is available if there is a wait. We have clear agreements in place about information sharing. We ensure that our policies regarding communication, feedback, concerns, complaints and information sharing are readily available to Service Users and partners both in our service base and on our website.

### Feedback

We have processes in place within each of the services we run, to seek and capture Service Users' feedback about their experience of support from Yellow Door. Some of this feedback is shared between Yellow Door workers, Service Users and Funders and is used to ensure that services are responsive and helpful. We also seek feedback in a way that is designed to be appropriate, accessible and with a degree of anonymity in order to encourage Service Users and partners to feel they can be open in their feedback.

As well as the routine feedback process in each of our services, we encourage Service Users and partners to feedback using our "We love to have your feedback!" postcards, available both in our service base and online. Anyone using this feedback route does not have to give their name and they are asked to confirm if they are prepared to be contacted or not. It is clear that the feedback postcard is not the route to raise a concern or make a complaint.

The Senior Management Team (SMT) has oversight of both the nature of the feedback and the percentage of Service Users who give routinely requested feedback. SMT has the responsibility to ensure that all feedback is considered and that the ways feedback is sought maximises the number of Service Users and partners who contribute. SMT has the responsibility to ensure that feedback is sought from key partners, such as referrers or partner agencies. SMT provides a summary report to the Board of Trustees of all concerns and complaints received and actions taken in response.

If we are aware that something has gone wrong in our service.

Yellow Door is not a Care Quality Commission (CQC) registered service and as such the Duty of Candour does not apply as a legal requirement. We are however committed to promoting a culture that encourages candour, openness and honesty at all levels. This is an integral part of our culture of professional service delivery, supporting organisational and personal learning.

If a YD worker identifies that any aspect of the organisation or service has negatively impacted or if there has been a significant error in any aspect of the organisation's work, they need to report this to their line manager. The line manager will carry out necessary enquires to determine: the extent of any negative impact on those affected or potentially affected, how any error occurred or could occur and how this can be prevented from happening again, what needs to be done to support the affected individual/s and if an apology needs to be offered. SMT will provide a summary report to the Board of Trustees of any instances of this nature and actions taken in response to this.

We approach concerns and complaints as an opportunity to demonstrate fairness, to learn and offer any apology or support that is required. Copies of our Concerns & Complaints Leaflet are readily available in our service base and on our website.

Concerns & Complaints.

It is sometimes difficult to clearly identify the difference between a concern and complaint. However, for the purpose of this policy, the following definitions will apply:

**Concern**

A concern can be defined as a concern or unhappiness that can be easily and/or quickly addressed and where the person raising the concern does not want a formal process or response. We aim for the Service Manager to investigate and resolve the concern to the complainant's satisfaction within three working days. If this is not possible, it should be resolved within a time frame that is agreeable to the complainant within a maximum of 10 working days. This process should be explained to the complainant and they should be given the choice between (i) the issue remaining at concern level with a plan for early resolution or (ii) for their concern to be treated as a complaint. All concerns will be recorded and reported in the same way as the data for complaints.

**Complaint**

A complaint can be defined as a communication of dissatisfaction, grievance or perceived injustice. A complaint will normally require a longer period of time to ensure full investigation and the complainant will also normally indicate that they wish for a formal process and response.

If a Service User or partner expresses any dissatisfaction with our organisation, the YD Worker they express this to or who has been assigned to respond is encouraged to discuss this with them and seek to resolve the matter, whilst ensuring that the feedback, concerns and complaints processes are mentioned. A record should be kept clearly summarising this discussion. If the person

expressing dissatisfaction is a service user, this record should be kept within the Service User's record. Any such records should be forwarded to an SMT member (whichever SMT member is considered most appropriate) They will then decide if this is an incident requiring inclusion in the summary report to the Trustees.

If a service user or partner communicates with us about a matter they are dissatisfied with, we will clarify with them if their communication is intended to be treated as a concern or a complaint. Whether the feedback is graded as a concern or complaint it is important to ask the Service User or partner if they would like to be part of the process and would like to receive information about the outcome, for example 'Would you like us to involve you in our process and would you like us to let you know the outcome'. If the Service User or partner does not want to be involved it is important to explain that this may limit our enquiry if we are not able to come back to them and ask questions. If they would like to be part of the process and/or know the outcome, we agree how they would like this communicated, by email, post, telephone or in person.

If we are aware that a Service User or partner is may lack the ability to raise a concern or make a complaint, we will offer to discuss this with a representative of their choosing. If they do not have someone to help them, we will offer them information about advocacy services.

A report is provided by SMT to the Board of Trustees covering: The number of concerns and complaints currently subject to enquiry, a summary of concerns and complaints that have been resolved with actions taken and any key points of change or learning from these.

If members of the Trustee Board have been required at the final stage of the complaints process to scrutinise a complaints enquiry, this is not discussed with any other Trustees until conclusion, when a summary report is given as part of the SMT report.

If there is an ongoing enquiry that may present significant risk to Yellow Door, for example reputational risk, this is discussed with the Chair of the Trustee Board only and details of this are not to be shared with other Trustees until the enquiry is concluded.

We will agree with any complainant (or their nominated representative) who is engaged with the organisation as a service user or partner, whether it is appropriate for them to remain engaged while the complaint enquiry process is ongoing.

#### Persistent, frivolous or vexatious concern and complaints.

For a concern or complaint to be categorised as frivolous or vexatious is a significant decision that requires a high level of accountability. Yellow Door does not believe that raising legitimate queries or criticisms of our organisation should in itself lead to a concern or complaint being regarded as vexatious or a complainant as unreasonably persistent. We accept that if a complainant is unhappy with the outcome of an enquiry and seeks to challenge it, this should also not cause us to label the concern or complaint as vexatious.

There may be occasions when people, due to a health need such as a learning disability or mental health problem, may not be aware that their behaviour is considered unreasonably persistent or vexatious.

As with any other concern or complaints outcome, having the outcome that a concern or complaint has been frivolous, vexatious or persistent does not preclude a Service User from receiving a service

from Yellow Door. As in any other situation, Yellow Door makes an assessment as to whether our organisation can meet a Service User's needs. It has to be recognised that the nature of the services provided by Yellow Door, as a voluntary sector provider where the service delivery necessarily needs to be based on a degree of trust between YD Worker/s and Service User, means that if someone makes a vexatious complaint, Yellow Door might not be best placed to meet their needs. If a Service User or partner is assessed to have made a vexatious complaint and the outcome of the enquiry is that they will no longer be able to engage with our organisation, this decision is reviewed by the CEO and the Chair of the Trustee Board prior to the Service user or partner being informed.

#### Storage of Concerns and Complaints

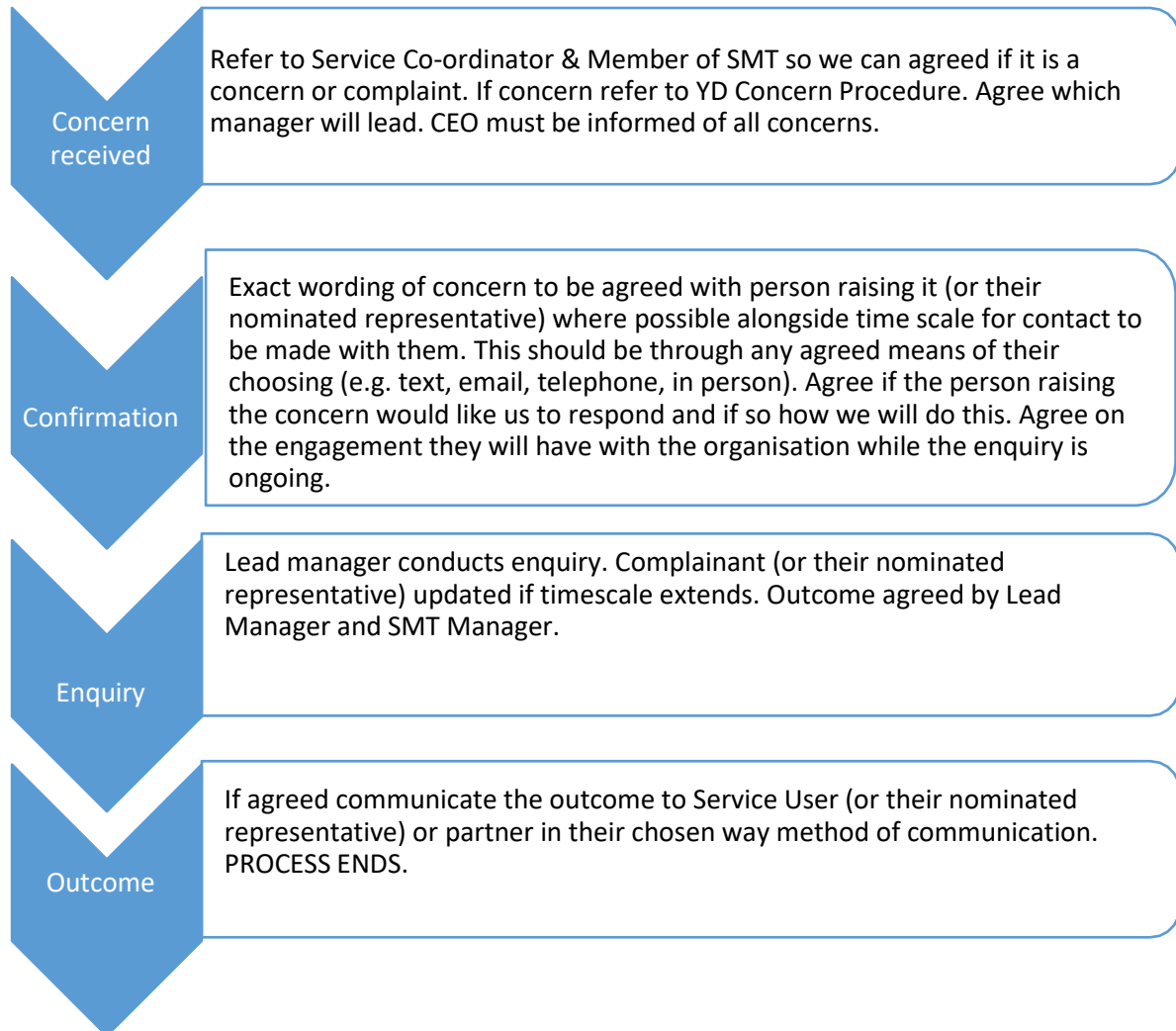
Service Users and partners can be assured that all concerns and complaints will be treated confidentially. Correspondence, statements and records will be held confidentially in a central place except in instances where disclosure is required, or the Board of Trustees deem disclosure necessary, or where any other legal obligation prevails.

All submitted complaints will be held by the Admin Coordinator. Confidential notes taken during any enquiries will be kept in a sealed, countersigned envelope in a locked file for a period of three years prior to destruction. Complaints stored in a central place on a computer system will be password protected. Any complaint will be stored and retained per Yellow Door's retention schedule.

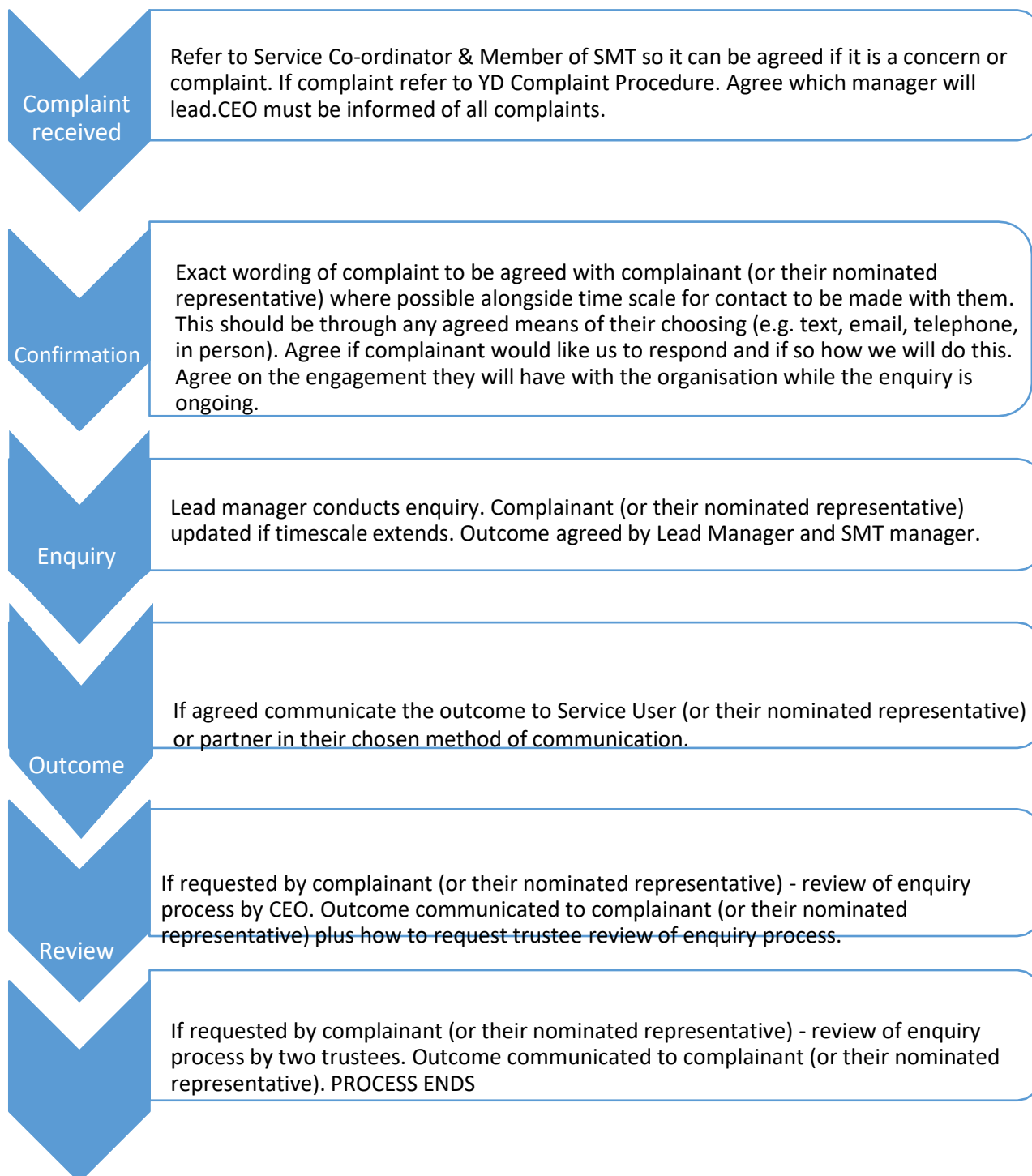
#### Storage of Feedback

Client and partner feedback will be collated and stored on system for the current year plus six years. Anonymised feedback, where permission has been given, can be used in our publications including the website.

## Yellow Door's Concern Procedure



## Yellow Door's Complaints Procedure



## Procedure details

### 1. Concern/ Complaint received.

This does not need to be written on the complaints form, but if in another format, we may need to contact the complainant (or their nominated representative) to ensure we have all the information we need.

### 2. Enquiry

The manager best placed to make the enquiry is identified by a member of SMT. It will usually be the manager who leads the service the complaint is about. One member of SMT is identified to support the manager and all communication within Yellow Door about the complaint is restricted to these 2 YD Workers.

If the YD Worker has to be interviewed as part of the enquiry process, they are asked not to discuss the concern/ complaint other than with the two managers overseeing the enquiry.

If the complainant is currently engaged with Yellow Door, the nominated SMT Manager, if necessary in consultation with the complainant (or their nominated representative), decides if this engagement can continue while the enquiry process is underway and if so if there are measures that may need to be agreed to ensure this is workable.

### 3. Confirmation

The manager contacts the complainant (or their nominated representative) to acknowledge the receipt of the complaint, to clarify the exact nature of the complaint and give a timescale in which the complainant (or their nominated representative) will be updated about the progress of the enquiry. The manager asks the complainant (or their nominated representative) what they hope the outcome of the enquiry process could be and if they have a preferred outcome. The exact wording of the complaint is agreed with the complainant (or their nominated representative). The complainant (or their nominated representative) is asked how they would wish to receive the Yellow Door response to their complaint.

A communication is sent to the complainant (or their nominated representative) by the manager conducting the enquiry (if by letter, obtain proof of posting), to confirm the wording of the complaint subject to enquiry and the date by which the complainant (or their nominated representative) will be updated.

### 4. Enquiry

The manager conducts such enquiries as are necessary to establish what if anything might have gone wrong, whether the complaint can be substantiated or not, what might be needed to support the complainant and whether an apology is required. Details of the enquiry are not noted in the complainant's Yellow Door record. A brief note is made if the complainant is communicated with directly. A separate record is kept securely by the manager overseeing the enquiry to summarise steps taken and information gathered in the enquiry as it progresses.

### 5. Update

The manager ensures that the complainant (or their nominated representative) is updated in the timescale agreed and if further time is required, this is communicated.

## 6. Outcome

The manager agrees with the nominated SMT manager the outcome of the complaint enquiry. Any actions are confirmed and it is agreed what will be shared with the complainant (or their nominated representative) and how this will be communicated, including details of how to request a review of the complaint enquiry if the complainant remains dissatisfied. (Service User or partner is informed that appeals must be made to the CEO, in writing (unless there is a reason related to a protected characteristic that means they cannot do this), within 14 days.

## 7. Review

If the complainant (or their nominated representative) request further review of the complaint enquiry, this is again confirmed in writing with a clear timescale for when they will be updated. A review is conducted by the CEO to review how the complaint enquiry has been investigated and whether this has been fair, reasonable and proportionate in terms of enquiry and outcomes.

If the CEO feels that further actions are required, these are undertaken. The outcome of the complaint enquiry review is communicated to the complainant (or their nominated representative). If this is other than by letter, a follow up letter is sent confirming the conclusion of the CEO complaint enquiry review and informing the complainant (or their nominated representative) how to rise the matter with representatives of the Board of Trustees. This request needs to be made to the CEO, in writing (unless there is a reason related to a protected characteristic that means they cannot do this), within 14 days.

## 8. Further review

If the complainant (or their nominated representative) requests further review of the complaint enquiry, this is again confirmed in writing with a clear timescale for when they will be updated. A review is conducted by two members of the Board of Trustees to review how the complaint enquiry has been investigated and whether this has been fair, reasonable and proportionate in terms of enquiry and outcomes.

If the Board of Trustees decide that further actions are required to further the enquiry these are progressed.

The outcome of the complaint enquiry review is communicated to the complainant (or their nominated representative), if this is other than by letter, a follow up letter is sent confirming that the process of enquiry into the complaint by Yellow Door is concluded.

If the complainant remains dissatisfied this is acknowledged and that although the complaint has been thoroughly scrutinised by Yellow Door managers and Trustees, a mutually agreeable outcome has not been achieved.

The Yellow Door complaints process is at this stage completed.

### External complaint.

Should the complainant make a complaint about Yellow Door to any organisation outside Yellow Door, we will fully cooperate with that further enquiry process, subject to i) permission from the complainant to share information, ii) withholding of confidential information that relates to HR



processes for Yellow Door YD Worker, iii) withholding of information that is commercially sensitive for Yellow Door. In circumstances where a complaint is made by a third party when the Service User has not authorised the complainant to act on their behalf, this does not prevent Yellow Door from undertaking a full and thorough investigation into the concerns/ complaints raised, specifically, if the concern/ complaint raises concerns about safety or the conduct of YD Worker, referring to relevant policies. A response to the third party will be limited, to include any matters of a non-personal or non-clinical nature only and will not include the outcome of any HR Investigation other than to indicate that an internal investigation has taken place, if that is the case. The response to the complainant will explain why this is the case.

#### Frivolous or vexatious complaints.

Should a complaint be made to Yellow Door, where the outcome of the enquiry process is that the complaint is assessed to be frivolous or vexatious, this is communicated to the complainant (or their nominated representative) as the outcome of the complaint enquiry process. The Chair of the Board of Trustees is asked to review the enquiry process and outcome prior to the outcome being shared with the complainant (or their nominated representative).

The complaint can request, as with any other outcome, that the complaints enquiry process is reviewed by the CEO and then again by two members of the Board of Trustees.

#### Persistent complaints.

A key part of the complaints process is agreeing with the complainant (or their nominated representative) the exact wording of the complaint to be investigated. Should it become evident at this stage that the complaint is in effect the same as one which has previously been investigated, this needs to be discussed by the SMT manager supporting the service area manager, with the CEO and the Chair of the Board of Trustees. If there is a consensus that this is a repeat complaint, the CEO will communicate with the complainant (or their nominated representative) that this is the reason why no further enquiry will be held.