

## SECTION SEVEN

# THE MULBERRY BUSH COMPLAINTS POLICY

<b>July 2018</b>	<b>Review Date</b> November 2019	<b>Coordinator</b> John Turberville	<b>Nominated Trustees</b> Full Board Meeting
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### Introduction

Central to our work is reflecting on our practice in order to improve outcomes for the children, families, their communities and professionals we work with. Fielding and managing concerns or complaints are, therefore, an important part of this process.

It is in everyone's interest that any concerns or complaints about The Mulberry Bush's services are resolved at the earliest possible stage. The experience of the first contact between the complainant and The Mulberry Bush can be crucial in determining whether the complaint will escalate. To that end, we must be clear about the procedures that apply when we receive a complaint.

Staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

In most cases the staff members will receive the first approach. It is helpful when staff are able to resolve issues on the spot. This may include offering a clear explanation; in some cases accepting that a situation could have been handled better; in other cases an apology may be appropriate.

### **A complaint form is attached as an appendix to this policy**

(This complaints procedure is not for employees of the Mulberry Bush or children placed at the school. Employees should use the procedure in the staff handbook and children have their own separate complaints procedure).

### Aims

We aim to resolve all complaints to the satisfaction of all parties involved. The resolution of a complaint can be an opportunity for us to improve our practice and develop further a strong partnership with the complainant.

We aim for our complaints procedure to be easily accessible and well publicised, so that parents, families and professionals know how to raise concerns. It is available on our web site: <https://www.mulberrybush.org.uk/wp-content/uploads/2017/09/Complaints-policy-adults-Sept17.pdf> circulated to all families and professionals when children are referred to the school and is signposted to all others with whom we work.

It is desirable for any complaint to be addressed by a member of staff at a level closest to the cause of concern. It should be acknowledged that complaints are 'genuinely felt' by the complainant and confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Complainants need to feel confident that a complaint will not disadvantage the service they receive or the child they are involved with. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.

All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern, matter or complaint remains dissatisfied and wishes to take the matter further. The Mulberry Bush has two Complaints Officer's – for the charity it is the Chief Operating Officer – John Turberville ([jturberville@mulberrybush.org.uk](mailto:jturberville@mulberrybush.org.uk)) (01865 300202 Ext 229), and for The Mulberry Bush School it is the Director Lee Wright ([lwright@mulberrybush.org.uk](mailto:lwright@mulberrybush.org.uk)) (01865300202 ext. 270).

If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the complaints officer or the CEO to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".

## **Procedure**

### **The Mulberry Bush's Complaints Procedure**

These complaints procedures are in place to manage complaints against the services / practices or staff of The Mulberry Bush by any stakeholder or member of the general public.

We are very keen that any concerns are voiced and dealt with at the earliest opportunity. If stakeholders, parents, members of the public have concerns they should:

1. Discuss their concerns with the member of staff most directly involved *and, if not satisfied*;
2. Discuss their concerns with a senior member of staff *and, if not satisfied*;
3. Discuss or forward their concerns with the Complaints Officer's – for the charity it is the Chief Operating Officer – John Turberville ([jturberville@mulberrybush.org.uk](mailto:jturberville@mulberrybush.org.uk)) (01865 300202 Ext 229), and for The Mulberry Bush School it is the Director Lee Wright ([lwright@mulberrybush.org.uk](mailto:lwright@mulberrybush.org.uk)) (01865300202 ext. 270).

### *Timescales:*

*An acknowledgement of receipt of the complaint should be received by the complainant within 5 working days. A full response to the complaint should be received within 20 working days. If the timescales in relation to any complaint are not likely to be met due to complexity or other reason, the complaints officer will keep the complainant informed of progress of the investigation and any reasons for delay.*

As well as asking for the detail of the complaint we will ask for details of the outcome sought by the complainant. This will enable us to keep in mind, at all stages, the ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review our policies in light of the complaint.

An admission that the service could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Trustees.

## **Role of the Trustee Body**

### **Making a Complaint to the Trustee Body:**

Where informal attempts have been unsuccessful in resolving a complaint, including by the complaints officer, the complainant should write to the Chair of Trustees at: The Mulberry Bush, Abingdon Road, Standlake, Oxfordshire, OX297RW.

On receipt of the complaint, the Chair of Trustees or other designated Trustee will:

- acknowledge receipt of the complaint within 5 working days
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

At this point the trustee will decide whether the complaint should go:

1. to mediation
2. to a panel of trustees
3. be looked at by an independent assessor

#### Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and director another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help director and complainant identify and build on areas of agreement
- It gives director and complainant a structure within which they can resolve remaining differences.

#### Trustees' Complaints Panel:

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Trustees.

Establishing a complaints panel: The Trustee body should agree the composition of the complaints appeals panel. It should comprise 3 trustees. There are several points which any trustee sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the organisation and the complainant
- c. The panel chair will ensure that the proceedings are as welcoming as possible
- d. Trustees sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.

The Chair of the Panel will be nominated by the Chair of Trustees and is responsible for ensuring that both complainant and director are given a fair hearing and that the panel arrives at its judgement without fear or favour. The meeting will be clerked by the secretary to the Trustees.

Remit of the panel: the complaints panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the organisations systems or procedures to ensure problems of a similar nature do not recur.

Writing the decision letter:

- The clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the

complainant with a copy to the director. **(This should happen within 20 working days of receipt of the complaint.)**

Independent Assessor:

An independent assessor may be used when the complexity of a case is such that Trustees may not have the time, expert knowledge or impartiality to address the matter concerned. **(A report from an independent assessor should be received by the complainant within 40 working days of receipt of instruction)**

**NOTE:**

Vexatious Complainants

There may be occasions when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of the Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Role of the Management Team

**As the complaints officer's – the COO and Director oversees the management of the complaints system and ensures that managers are appropriately informed of the detail of complaints as and when necessary.**

Role of Staff

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.

Appendices:

**See Complaint Form Below**

## Complaint Form

Name (of complainant):

Date:

The complaint is about:

**The Mulberry Bush School / The Mulberry Bush Outreach / The Mulberry Bush Research / The International Centre for Therapeutic Care**

Detail of the complaint:

What action has been taken so far to resolve the complaint?

(Please use extra paper if required + attach)

What outcome are you hoping for?

Your contact details:  
(Address, phone, email)

**For office The Mulberry Bush use only:**

**Date received:**

**Action Taken:**

Signed:

Date:

**Complaint resolved – Please Sign**

Complainant:

Date:

The Mulberry Bush:

Date