

SERVICE USER COMPLAINT POLICY

Preamble

The Helen Bamber Foundation values and encourages the feedback of service users about the programs and practices of the organisation. The Foundation recognises that there may be occasions when you may be dissatisfied with the work the Foundation has done. Complaints can provide important opportunities for improving service, and the Helen Bamber Foundation will ensure that all complaints are dealt with appropriately, with a view to resolve the issue, and make changes to practice if appropriate. A complaint can relate to any aspect of the organisation's programs and services.

You might want to complain, for example, about the quality of service or a refusal to provide a service. Carers or families of people receiving a service from the HBF also have the right to complain if they are affected or likely to be affected by what has gone wrong.

A complaint can be made by a person on behalf of a service user if the service user:

- has asked a representative to act for them;
- is a child;
- is unable to make the complaint themselves; or
- has died.

Definitions

- *Complaint* means an expression of dissatisfaction for any reason.
- *Relevant staff member or volunteer* and *person providing the service* are used interchangeably and refer to the person whom the complaint is made about, or the person responsible for the service being complained about.
- *Service user* refers to the complainant or the person on whose behalf the complaint is being made.

Policy

The Helen Bamber Foundation is committed to listening to complaints, and responding in a way which is fair, timely and respectful. All complaints will be considered without discrimination. An interpreter or other language support for non-English speakers who wish

to make a complaint will be provided. The Helen Bamber Foundation informs service users of their right to make a verbal or written complaint (which will be treated equally seriously), and to seek resolution. The Helen Bamber Foundation will assist service users with disabilities to make their complaints and seek resolution.

Any complaint will be dealt with in confidence, notwithstanding those containing allegations of illegal or unethical behaviour, which may require the Helen Bamber Foundation to share certain information with relevant authorities.

All service users have the right to use the complaints policy and will be encouraged to make their complaint openly and freely. Making a complaint will not prejudice any treatment or service provided to service users (or the person on whose behalf a complaint is being made). All complaints made to the Helen Bamber Foundation are documented and held centrally on our internal complaints register¹. Provision will be made to acknowledge receipt of a complaint both verbally and in writing to the complainant.

Scope

The *Service User Complaint Policy* applies to all Helen Bamber Foundation programs and services.

Procedure

STEP 1: Receiving a Complaint

If a person providing a service receives the complaint, you should be invited to discuss your complaint as soon as is possible.

If the complaint is received by any member of staff or volunteer of the organisation other than the person providing the service, you should be referred to the person providing the service with an explanation of the organisation's complaints policy.

If you do not wish to speak directly to the person providing the service, you should be referred to the line manager of the person about whom the complaint is made. The person providing the service should be alerted of the existence of the complaint.

If the complaint is dealt with to the mutual satisfaction of both yourself and the person providing the service, both the complaint and resolution should be documented on the *Complaint Form*. A complaint can be made verbally or in writing. It should be acknowledged as soon as practicable and in any event within five working days.

STEP 2: Discussion with a Manager

If the person providing the service is unable to resolve a complaint, you should be offered the opportunity to speak with a manager. The manager should call you as soon as possible after discussing the issue with the relevant person providing the service.

If you call the manager to make a complaint about the person providing the service, or about the service provided, the manager should listen to the complaint but refrain from offering any action without first discussing the issue with the staff member or volunteer involved.

The staff member(s) and/or volunteer(s) the complaint is made about should jointly plan the response to your complaint. The plan should support the relationship between you and person providing the service wherever possible. The person providing the service should be present at any meeting between you and the manager where possible.

The manager should aim to resolve the matter to the satisfaction of yourself and person providing the service, or failing this, to inform you of your right to seek resolution through a meeting with the manager of the individual complained about. A letter should be sent to you after the meeting. You should be informed of the complaint and the resolution or lack of resolution in your matter.

STEP 3: Meeting the CEO/Medical Director

If you are not satisfied with the response from the manager, you may take the complaint to the CEO or Medical Director as appropriate.

The CEO or Medical Director should be alerted immediately if a call is expected and a copy of the completed *Complaint Form* should be provided.

If requested, the CEO or Medical Director (or his/her designate) will meet with you and attempt to resolve the matter.

Before this meeting, the CEO or Medical Director will inform the relevant staff person(s) or volunteer(s) of the approach and seek any necessary consultation.

The CEO or Medical Director must involve the relevant staff person(s) or volunteer(s) and manager in the planning process and invite one or all of them to the meeting.

Prior to the meeting the CEO or Medical Director must ensure a letter bearing his/her signature is sent to you outlining the complaint and all the steps taken to resolve the complaint.

After the meeting, the CEO or Medical Director (or his/her designate) will send a letter to you setting out any agreement reached, or failing this, the decision regarding the complaint.

Where there is an allegation of criminal conduct, or serious ethical breach of conduct by Helen Bamber Foundation staff and/or volunteers, the CEO or Medical Director may waive the requirement to inform personnel of the complaint until legal and/or police advice is taken

and may continue refraining from informing the relevant person during the course of any investigation.

STEP 4: Complaint to the Relevant Regulator

If you do not wish to use the Helen Bamber Foundation internal complaints procedure, and there are serious allegations of professional misconduct, you may complain to the relevant regulator responsible for that professional.

A serious allegation of professional misconduct puts into question that professional's ability to provide safe treatment or care.

For doctors at the Helen Bamber Foundation, the responsible body is the General Medical Council. For psychologists at the Helen Bamber Foundation the responsible body is the Health and Care Professions Council.

If you wish to make a complaint to either Council, the Helen Bamber Foundation will provide you with the relevant contact details to make such a complaint.

If you wish to make a complaint about advice provided by one of the OISC regulated advisers, please refer to the specific section below. For solicitors at the Helen Bamber Foundation the regulator is the Solicitors Regulation Authority.

Documentation

All complaints received from a service user are initially documented by the relevant member of staff who received the complaint on the *Complaint Form*. An intervention noting that a complaint has been received is placed on the client's record on the database.

A record of the complaint will be made available to the complainant on request except in the case where the confidentiality of another service user or community member may be breached. These records will be retained for the same period as the client record. Please refer to the Retention Policy for details of the relevant time periods.

All complaints will be held on a central log.

Complaints related to OISC Advisers

This section explains how complaints relating to Helen Bamber Foundation OISC regulated advisers will accept, record, investigate and resolve complaints made about its services.

Standards of Service

The Helen Bamber Foundation aim to provide all its clients with the highest standards of service and client care. If we fail to provide this to you, we need you to inform us so we can

try to resolve any problems. We will also learn from them so that we can improve our service.

How to make a complaint

The Helen Bamber Foundation will always try to provide service users with an opportunity to tell us of their concerns and will work with service users to try to resolve them.

- If a service user is not satisfied with any aspect of our advice service, the service user may initially want to discuss this with their adviser, to see if the matter can be resolved quickly.
- If a service user has spoken to their adviser or if a service user does not wish to discuss their concerns with them, service users may wish to make a formal complaint. Service users can make a complaint either verbally or in writing to the Director of Legal Protection at the Helen Bamber Foundation.

They can be contacted at: The Director of Legal Protection, 15-20 Baynes Street, Bruges Place, London, NW1 0TF, tel: 0203 058 2020

The Director of Legal Protection is responsible for handling complaints in relation to immigration advice and services provided by the Helen Bamber Foundation.

What Happens Next

- The Director of Legal Protection will acknowledge the service user complaint within (five working days) of receiving it.
- The Director of Legal Protection will investigate and provide the service user with a response to the complaint within 10 working days of our receipt of the complaint. If we have to extend the time-scale for any reason, we will let you know and explain why.

The Helen Bamber Foundation will keep details of the complaint in a central register (held on SharePoint). We will also create a separate file or section in your case file in order to record details of the complaint, our investigation and the Helen Bamber Foundation's response to the complaint.

Investigation

A service user's complaint will be investigated in the following way:

1. The Director of Legal Protection will ask the relevant adviser working on the case to provide their response to the service user's complaint.

2. The Director of Legal Protection will consider the adviser's response, the information provided in the complaint and any other relevant material (such as the contents of the service user's case file).
3. The Director of Legal Protection will then prepare a written response, which will be sent to the service user. This response will set out the findings of the complaint investigation as well as any suggestions for resolving the matter and/or future matters.
4. If the complaint cannot be satisfactorily resolved and the service user and our adviser can no longer work together, we will consider closing your matter and referring the service user to an alternative service depending on the service user's needs.
5. If a service user considers taking legal action against the Helen Bamber Foundation, we confirm we have Professional Indemnity Insurance to meet any relevant claims.
6. Please note that if the service user is not satisfied with our response to the complaint or if the service user does not wish to complain directly to advice services of the Helen Bamber Foundation, the service user may at any time complain directly to the Office of the Immigration Services Commissioner (OISC).

The OISC can be contacted at:

Office of the Immigration Services Commissioner

Complaints Team

5th Floor,

21 Bloomsbury Street,

London

WC1B 3HF

Telephone: 0345 000 0046

Email: info@oisc.gov.uk

Website: www.oisc.gov.uk