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**Black Country
Women's Aid**
we listen, we support, we care

Complaints and Whistleblowing Policy

MSVCC2020

Black Country Women's Aid

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1. Introduction

Black Country Women's Aid (BCWA) aims to provide a high standard of support to Service Users and Dependents but recognises that occasionally the level required is not met. This document outlines BCWA's procedure for managing complaints and whistleblowing within the Modern Slavery Victim Care Contract (MSVCC).

2. Scope

The purpose of this document is to provide a procedure on how to manage complaints and whistleblowing within BCWA's Modern Slavery service. The *MSVCC Complaints and Whistleblowing Procedure* includes, but is not restricted to, the following areas:

- Referral Handling
- Support work
- Accommodation
- Outreach Support
- Reach-in Support
- Transport
- Transfers within service and out of service

3. Definitions

- **Complaint:** an expression of dissatisfaction requiring a response, communicated verbally, electronically, or in writing. Complaints may be made by service users, dependents or staff of BCWA.
- **Informal Complaint:** where an individual specifically states they do not want to make a formal complaint, however there are areas of dissatisfaction and areas of learning for BCWA.
- **External Lead:** BCWA Contract Manager
- **Inputs:** Information regarding the complaint.
- **MST:** This refers to the Modern Slavery Team who manage the Modern Slavery Victim Care Contract and subcontract services from BCWA.
- **Outputs:** Investigation report detailing outcome of complaint.
- **Process Lead:** Contracts Administration Manager based within the Modern Slavery Team.
- **Service:** The provision of victim care and associated functions. Victim care is provided directly by BCWA.
- **Service User ('SU'):** a person within the National Referral Mechanism and in service at BCWA.
- **SUBCONTRACTOR NAME:** a service subcontracted by the MST to provide support to Service Users.

4. Aim

The aim of the procedure is to ensure that the complaints process is flexible and responsive to the needs of individual complainants. In addition, it emphasises the need to communicate effectively with complainants and involve them in the decisions concerning the handling of their complaint.

The Procedure seeks to ensure that:

- Service users are provided with access to the Complaints Policy
- Service users are able to complain about any aspect of the service

- Complaints are taken seriously and in a timely manner
- Complaints are recorded
- Complainants are listened to and treated with courtesy and empathy
- Complainants are not disadvantaged as a result of making a complaint
- Complaints are investigated promptly, thoroughly, honestly and openly
- Complainants are kept informed of the progress and outcome of the investigation
- Apologies are given where appropriate
- Action to rectify the cause of the complaint is identified, implemented and evaluated
- Learning from complaints informs service development and improvement
- Complaints handling complies with confidentiality and data protection policies and is transparent
- Staff involved in complaints and whistleblowing are given support

5. Complaints Procedure

a. Service Users and Dependents

- BCWA services must provide all service users with access to the Complaints Policy at move-in. This may be in a welcome handbook, in an induction pack, and posted in accommodation. Service Users must be provided with contact details to allow them to make a complaint.
- BCWA services must emphasise to service users that they are able to complain about any aspect of the service.
- BCWA services should provide the Complaints Policy in language that is comprehensible to the service user. Services must facilitate access to interpreting services to explain the complaint procedure in detail, or to assist the service user in making a complaint.
- Service Users should be allowed to make in confidence complaints.
- Service Users should be informed of the way complaints will be handled and investigated.
- Service Users should be informed of the outcome of any investigation into the complaint and of any subsequent action required as a result.

b. Making a Complaint

Complaints may be received from service users, dependents, support providers, or external parties. They may include, but are not restricted to, complaints relating to support services being received by a service user from BCWA or a partner agency. Complaints may be received directly by TSA, either verbally, via the MST maildrop, or in writing.

- Complaints can be raised with Support Workers or Service Managers in the first instance.
- Where the complaint relates to a Support Worker, the complaint should be raised with the Service Manager, who should inform the BCWA Strategic Lead.
- Where the complaint relates to the Service Manager, the complaint should be raised to the BCWA Strategic Lead.
- Complaints can also be raised directly with TSA'S Modern Slavery Team, the Single Competent Authority, and the Whistleblowing Hotline listed in 6.
- Where complaints are received verbally, complainants will be asked by the service of the Process Lead to provide a written confirmation of the complaint.

Where an individual states that they do not want to make a formal complaint but there is dissatisfaction and areas of learning, BCWA will record this as an informal complaint, investigate and deal with internally. The

outcome will be agreed with the complainant before the investigation takes place. This will not necessarily mean a response will be provided to the complainant.

There is no time limit for a person to make a complaint. Service Users and staff are encouraged to bring the complaint forward as soon as possible, as a delay can make an investigation more difficult and may limit the action that can be taken.

Where conflict management issues arise between service users, steps should be taken to resolve the situation through mediation and conflict resolution.

c. **Responding to Complaints**

a. **Service User Complaints** received by BCWA

- The BCWA External Lead should provide the Service User with written receipt of the complaint
- The BCWA External Lead should inform the MST Process Lead of any complaints received within 2 working days.
- A task should be raised to the Process Lead via the CMS system under the Task category 'Complaint Incident'. Details of the complaint and details of where to find records relating to the complaint should be included in the service users file tab.
- BCWA must inform the service user of the way in which the complaint will be addressed. Upon resolution of the complaint, they should inform the service user of the outcome of any investigation into the complaint and/or of any subsequent action required to be taken.
- Once the investigation is concluded and the service user has been notified of the outcome, BCWA must notify the Process Lead of the resolution result.

b. **Service User Complaints received by MST about BCWA**

- The Process Lead should acknowledge receipt of the complaint via letter.
- Where it has not already been received in the original complaint, the Process Lead will request that the service user provides written confirmation that they are happy for the complaint to be raised with the support provider or appropriate party.
- Once confirmation is received the Process Lead will contact BCWA to inform them that a complaint has been made and that they must seek to resolve the complaint within 5 working days as per contractual requirements. In cases where this may not be possible eg. the nature of the complaint requires further investigation, or in case of staff absence etc. BCWA must notify the Process Lead of the revised timescale for response, with details of actions to be undertaken to resolve the complaint.
- BCWA must inform the service user of the way in which the complaint will be addressed. Upon resolution of the complaint, BCWA should inform the service user of the outcome of any investigation into the complaint and/or of any subsequent action required to be taken.
- Once the investigation is concluded and the service user has been notified of the outcome, BCWA must notify the Process Lead of the resolution result.

c. **Unresolved Complaints and Escalations**

- Where the Process Lead feels that the response from BCWA has not sufficiently addressed the cause of the complaint, they should revert back to BCWA and request additional information or instruct on further actions that are necessary to provide an adequate resolution to the matter.
- BCWA shall refer any unresolved service user complaints to the Process Lead (and if requested to the Authority) if all other avenues for complaint resolution fail to achieve an outcome satisfactory to the relevant service user.

- The Process Lead should update the project log entry with the outcome of the complaint and whether the complainant was deemed justified/unjustified/unresolved and close the entry subject to further response from the complainant.
- Where a complaint has been escalated for further investigation, the Process Lead should collate and review all evidence and provide a response in writing to the service user notifying them of the outcome of the investigation.

d. Service User Complaints received by MST about MST

Complaints related to the AVMS are handled as follows:

Contract Related Complaints:	Contract Administration Manager (CAM)
Referral Related Complaints:	Referral Officers Team Leader (RTL)
Serious Service Level Complaints:	Project Director (incl. for complaints relating to CAM and RTL)

- Where a complaint is made by an individual/organisation about AVMS area of work, the Process Lead should acknowledge the complaint in writing and provide information on how the complaint will be dealt with and timescales they can expect confirmation on the outcome of the complaint investigation.
- The complaint should be investigated by the senior staff member responsible for the area of work the complaint relates to.
- Once the complaint investigation is concluded, the individual investigating the matter must issue a written response to the complainant notifying them of the outcome of the complaint.
- The Process Lead should update the project log entry with the outcome of the complaint and whether the complainant was deemed justified/unjustified/unresolved and close the entry subject to further response from the complainant.

e. Unresolved Complaints and Escalations

Where complaints are unresolved within 10 days these must be shared with TSA and the Authority.

f. Serious Complaints

A serious complaint is one which alleges behaviour which, if substantiated, could lead to serious or gross misconduct proceedings, or which alleges that a failure or omission on the part of BCWA or its personnel seriously risked the health and safety of personnel and Service Users. This includes allegations of assault, sexual assault, theft, fraud or corruption, racism or other discrimination, unfair treatment (e.g. harassment), or other unprofessional conduct including any behaviour likely to bring the Authority into disrepute or which casts doubt on a person's honesty, integrity or suitability to work for BCWA.

There is a strong safeguarding element to Serious Complaints. As such, they must be taken seriously, and immediate steps must be taken to protect and minimise risks to the complainant (including providing anonymity) and the person against whom the allegation is made (as false or malicious allegations may be made). As such:

- Information is to be passed to the Safeguarding Lead (SGL) who will inform the Process Lead.
- If the SGL is implicated, concerns should be referred directly to the Process Lead, BCWA's CEO, or the statutory authorities.
- Staff accused of serious complaints may be suspended or removed pending the outcome of an enquiry. The decision to suspend will be made by the BCWA depending on advice from the local authority or police.

- If a criminal offence has taken place or is likely to take place, the Police must be informed immediately on 999.
- The Single Competent Authority must be informed within three working days of a serious complaint being lodged.
- A log must show details of all cases and outcomes and show that the appropriate action is taken, including reporting to appropriate authorities.
- The information should not be shared with other colleagues who do not have a safeguarding role, or with family members or friends.

Under no circumstances should any person cited in a safeguarding concern undertake the enquiry or interfere with due process.

d. **Reporting Timeframes**

Complaints should be treated seriously and in a timely manner. As such:

- Complaints should be resolved within 5 days.
- Complaints must be notified to the Authority on a monthly basis.
- Where complaints are unresolved within 10 days these must be shared with TSA who will then notify the Authority.
- Serious complaints must be shared with TSA who will share with the authority within three days.

6. Contacts for Complaints and Whistleblowing

BCWA Whistleblowing Helpline:

Telephone – 0121 553 0090

Email – tracey.alexander@blackcountrywomensaid.co.uk

The Salvation Army Modern Slavery Team:

Telephone - 0800 808 3733

Email modernslavery@salvationarmy.org.uk

Any Service User or staff member can contact the Authority directly.

Single Competent Authority:

Telephone - 020 7035 5689

Email - nrm@modernslavery.gov.uk

7. Recording and Monitoring

- All complaints, including the cause of the complaint and action taken to resolve it, must be recorded.
- BCWA manages a complaint log along with the relevant complaint documents. This record should be updated as further information is received and should include the cause of the complaint, the outcome of any investigation undertaken by BCWA as a consequence of the complaint, and the action taken by BCWA to resolve the cause of the complaint (where appropriate).
- The MST will ensure that Complaints Records are made available to the Authority as part of any inspection.

Appendix – Process Map

