PARADIGM ARTS
Complaints Policy and Procedure

What is a complaint?

A complaint is an expression of dissatisfaction, whether justified or not.
Our policy covers complaints about:

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

We refer to these complaints as "service complaints".

Our complaints policy does not cover:

- comments about our policies or policy decisions
- dissatisfaction or complaints expressed with our policies or decisions about individual cases, funding, or requests for legal advice and assistance
- 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.

Our standards for handling complaints:

- We can receive complaints by letter or email, or alternatively if required by virtue of reasonable adjustments. We treat all complaints seriously.
- You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.
- We will treat your complaint in confidence.
- We will deal with your service complaint promptly. We will acknowledge receipt of a written complaint within five working days where we have a return address and you can expect to have a full reply within 20 working days. In a few cases 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.
- We will not treat you less favourably than anyone else because of your:
  - 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)
  - sexual orientation
  - colour or race: this includes ethnic or national origin or nationality
  - disability
  - religious or political beliefs, or trade union affiliation
  - any other unjustifiable factors, for example language difficulties, age, pregnancy and maternity.

Third Party Reporting

Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:

- advice organisations professionals such as social workers,
- community psychiatric nurses, doctors or solicitors

- family members or friends

Where a third party is helping a complainant with a particular complaint, we need written consent to that effect. Where we have this authority, we will endeavour to take all possible steps to keep the third party informed of progress on the complaint.

We do not need written consent if an MP or elected Councillor is helping a constituent with a complaint, and we can disclose information to them in response to their enquiries.

Also, some lawyers and attorneys are legally empowered in certain circumstances to act on behalf of a complainant, and consent to disclose information is not required.

Confidentiality

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998, subject to the need to disclose information as required by statutory authorities, and/or as a result of statutory, legal or parliamentary obligations placed on Paradigm Arts.

How to complain to us

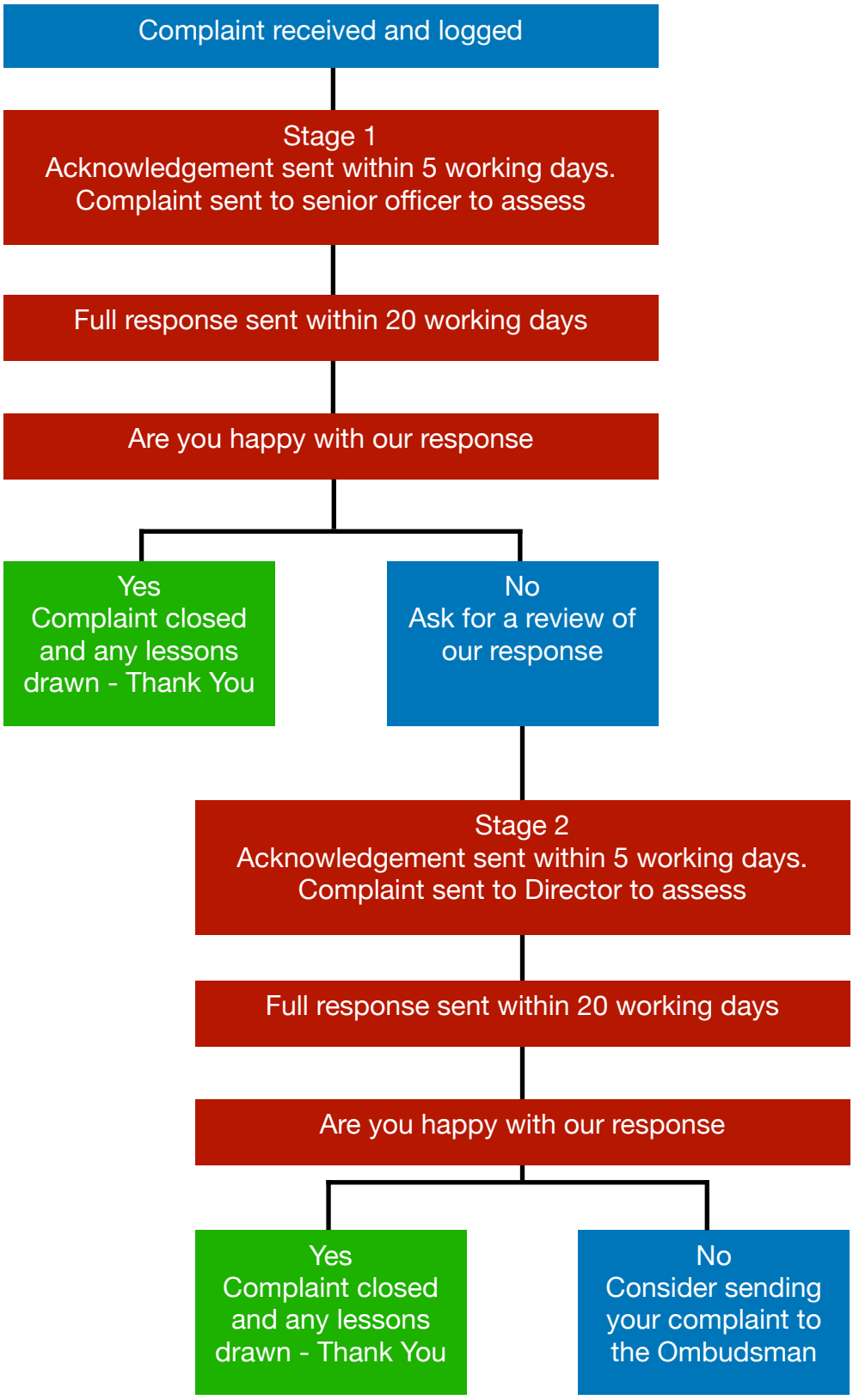
If you wish to make a complaint, you can do so by email or letter.
If you are disabled, and need a reasonable adjustment to ensure you can register your complaint, you can contact us alternatively by:

- telephone

- asking a member of staff to help you in writing out your complaint

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.

How we will respond to your complaint



Service complaints procedure

We have a two-stage service complaints handling procedure, explained above. At each stage it will help us to resolve your complaint quickly if you can give us as much clarity and detail as possible, including providing any documents and correspondence and stating that you are making a complaint. If we do not have all the details required to deal with the complaint, we may contact you and ask you for further information.

Stage 1

This is the first opportunity for us to resolve your dissatisfaction. We expect the majority of complaints to be resolved at this stage. On receipt of your complaint we will contact a senior officer from the most appropriate directorate and ask them to respond to your complaint. This includes any service complaints about our former services where we still retain relevant information.

Stage 2

If you are dissatisfied with the response at stage 1, you may request a review. This will be carried out by a responsible Director (or Deputy Director). Your request together with all subsequent correspondence relating to it should be sent to our Correspondence Unit, who will forward your request to the relevant Director to be reviewed.

Timescales

Our timescales for handling a complaint comply with guidance issued by the Public and Health Services Ombudsman.

Stage 1

We will acknowledge 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.

Stage 2

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

Remedies

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

The action we take to put matters right (i.e. redress) in response to a service complaint can include any combination of the remedies set out in the list below. The general principle we follow is that complainants should, so far as possible, be put in the position they would have been in, had things not gone wrong.
The remedy applied needs to be proportionate and appropriate to the failure in service, and take into account what redress people seek when they complain. An apology is generally the most appropriate action, but other action may also be necessary in some circumstances.

List of remedies

- A full apology, explaining what happened and/or what went wrong. (an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006)

- Remedial action, which may include reviewing or changing a decision on the service given to an individual complainant

- Provide the service required in first instance (immediately, if appropriate)

- Putting things right (for example a change of procedure to prevent future difficulties of a similar kind, either for the complainant or others)

- Training or supervising staff; or a combination of both

- Financial compensation

Compensation

In the majority of cases, remedies other than financial compensation will satisfy the complainant. Financial compensation is a final option, and will only apply in cases where the loss or suffering is considered to warrant such a payment i.e. in cases of actual direct or indirect financial loss.

In circumstances where it is decided that our action or lack of action has resulted in maladministration, if the complainant has suffered direct or indirect financial loss, compensation may be payable. In determining this, we will have regard to the Parliamentary and Health Service Ombudsman's (PHSO) published “Principles for Remedy”.

Where it is decided, following investigation of a complaint, that a complainant has suffered an injustice and or hardship resulting in direct or indirect financial loss due to maladministration, we will determine whether compensation is an appropriate remedy by looking at all the evidence, including how much the complainant can demonstrate they have lost, or what extra costs they have incurred as a result of our maladministration.

The reason for our decision will be recorded by the decision maker and included in our response.

Vexatious and repetitive complaints, and unreasonable or abusive behaviour

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 public sector bodies. 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.

The Parliamentary and Health Service Commissioner defines unreasonably persistent complainants as “those who, because of the frequency or nature of their contact with an authority, hinder the authority’s consideration of their or other people’s, complaints”.

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:

- Could the complaint fairly be seen as obsessive?
- Is the complaint harassing or causing distress to staff?
- 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 nature and extent of the complainant's correspondence with us suggests an obsessive approach to disclosure
- 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 staff

- 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 Paradigm Arts.

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 Paradigm Arts and is, for example, inextricably linked to an individual's quest to hold Paradigm Arts 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.

1. Unreasonable Behaviour

Paradigm Arts understands that people may act out of character in times of distress or due to frustration. We do not view behaviour as unreasonable just because a complainant is forceful or determined. Commission staff make reasonable allowances for complainants' behaviour.

However, sometimes the situation between a complaint and Paradigm Arts staff can escalate and the behaviour of the complainant becomes unacceptable, for example becoming abusive, aggressive or threatening. Such abusive, aggressive, threatening or vexatious complaints are in the very small minority but we sometimes find ourselves in the position where we need to restrict or bring to an end communication and access to our premises or staff.

Our staff have the right to undertake their work free from abuse, threats and harassment, or vexatious and repetitive complaints. We expect our staff to be treated with courtesy and respect. Paradigm Arts has a duty to protect the welfare and safety of staff and considers that violence, threats or abuse towards staff is unacceptable. Staff 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 staff - 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 staff to feel afraid, threatened or abused. Examples of unacceptable behaviour includes but not exclusively threats, verbal abuse, derogatory remarks, rudeness, racist, sexist, homophobic, transphobic, disablist 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, Paradigm Arts staff 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. Paradigm Arts 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 Commission contacts.

A copy of this policy will be included and, if and where appropriate, a no-contact period specified. If further contact is necessary, the complainant will be informed that it will be made through a Director or their nominated officer/s. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

If you disagree with a decision made by Paradigm Arts 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 senior staff. In appropriate circumstances these matters may be referred to the police and Paradigm Arts may consider taking appropriate legal action against the complainant, if necessary, without prior warning.

Recording complaints

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.

We value your feedback and expect to use it to help us to:

- get things right in the future if we have not done so already
- become more customer focused
- be more open and accountable
- act fairly and proportionately
- seek continuous improvement

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

Contacting us

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

By post:

Paradigm Arts Ltd
21 St Catherines Grove
Lincoln
LN5 8NA

By email: rob@paradigmarts.co.uk

Comments and non-service complaints

Quality of service is an important measure for us of our effectiveness. Learning from complaints, including non-service complaints (complaints not covered by this policy), is a powerful way of helping continuous improvement at Paradigm Arts and enable us to better deliver to our values and standards. 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. Non-service complaints should be sent to the Correspondence Unit.

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.

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.