

**Complaints Policy and Procedure**

**Why is this policy needed?**

It reflects the values of UK SMART Recovery to empower participants to make positive choices, which includes the choice to comment or complain about the meetings they attend or other UK SMART Recovery activity. Mutual aid emphasises the value of every person and respect for differing views, including the right to make comments or complaints about the actions of volunteers, members of staff or the board of trustees. Some participants may need support to make a complaint, in which case it should be offered without prejudice. Complaints are best dealt with at the time the incident occurs and can often be resolved through dialogue. In any case complaints should be made within three months, or it becomes very difficult to investigate or resolve an issue.

**What is the procedure for making a complaint?**

* Find a quiet place so the person can explain their complaint confidentially
* Ask if they wish to make a verbal complaint or a formal written complaint

**Informal or verbal complaint**

* If they wish to make a verbal complaint listen carefully and ask what action they would like taken to address the situation. If possible, explain what you can do to resolve their complaint.
* Afterwards make brief notes detailing who made the complaint, what the issue was and how it was resolved and email it to the appropriate Community Coordinator or Central Office. This is so that UK SMART Recovery can understand if there are recurring issues that need addressing as an organisation.

**Formal or written complaint**

* If they would like to make a written complaint direct them to the ‘Complaints’ section on the web site, under the heading ‘Contact Us’ where they can download the form, complete it, and send it to the Director of Operations.
* Any complaint alleging violence, abuse of a participant, volunteer or member of staff or other act of gross misconduct will automatically be treated as a formal written complaint.
* For complaints made during online activities any issue that can be resolved during the time the participant or volunteer is online will be treated as a verbal complaint and a copy/screenshot of the conversation can be made in lieu of writing notes. This should then be sent to the Community Coordinator or Central Office. If the participant or volunteer want to make a formal or written complaint, they should be directed to the appropriate web page.

**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 charities.
* 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. Please see the addendum below which sets out how we will respond to these situations.

**What happens next?**

* Any formal written complaints received by the Director of Operations, or deputy if she is not available, will be investigated and responded to in writing within 30 days, or sooner if possible.
* If a complaint is made about a member of the staff team it should be addressed to the Chief Executive Officer.
* If the complaint is regarding the Chief Executive Officer, it should be addressed to the Chair of Trustees.
* If a complaint involves the Chair of Trustees, it should be addressed to another Trustee.
* If the complainant is not satisfied with the outcome, they may appeal in writing to the Trustee Board.

**Addendum - Vexatious Complaints, Unreasonable and Abusive Behaviour Policy**

SMART Recovery sometimes receives complaints which can be deemed ‘vexatious’ or ‘repetitive.’ Some of these complaints can be costly to handle; or responding to them may be a disproportionate use of our staff’s time.

Deciding whether a complaint is vexatious requires SMART, in each case to take into account the context and history of the complaint. SMART will consider whether the complaint is likely to cause unjustified distress, disruption, or irritation. In particular, SMART will consider the following issues:

* Is the complaint harassing or causing distress to SMART employees, associates, volunteers, or trustees?
* Does the complaint appear to be designed to cause disruption or annoyance?
* Does the complaint lack any serious purpose or value?

The concern SMART will address is whether a complaint is vexatious in terms of the effect of the request on SMART 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, SMART will consider whether there is a proper or justified cause for it. SMART will not only examine the complaint itself, but also its context and history. That context may include other complaints made by the applicant to SMART (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 the organisation. The effect a complaint will have may be determined as much, or indeed more, by that context as by the complaint itself.

SMART 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 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 employees, associates, volunteers, or trustees.
* 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 the organisation.
* 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 SMART.

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 SMART and is, for example, inextricably linked to an individual’s quest to hold SMART 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.

**Unreasonable and Abusive Behaviour**

SMART’s employees, associates, volunteers, and trustees have the right to undertake their work free from abuse, threats and harassment, or vexatious and repetitive complaints. SMART expects employees, associates, volunteers, and trustees to be treated with courtesy and respect. SMART has a duty to protect their welfare and safety and considers that violence, threats, or abuse towards them is unacceptable. SMART employees, associates, volunteers, and trustees 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 employees, associates, volunteers, and trustees - 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 employees, associates, volunteers, and trustees to feel afraid, threatened or abused. Examples of unacceptable behaviour includes but not exclusively threats, verbal abuse, derogatory remarks, rudeness, racist, sexist, homophobic, transphobic, ableist 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.

SMART also considers that inflammatory statements and unsubstantiated allegations can amount to abusive behaviour.

Furthermore, SMART employees will end phone calls if the caller is considered aggressive, abusive, or threatening. The complainant will first be told that SMART considers their language offensive or their behaviour unacceptable and will be asked to stop using such language or behaviour.

If an employee or volunteer 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. SMART 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 SMART contacts. A copy of this policy will be included and, if and where appropriate, a no-contact period specified. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

If you disagree with a decision made by SMART to regard your behaviour as unreasonable, you can appeal. Please refer to SMART’s Complaints Policy (see above).

All incidents of harassment or aggression will be documented and referred to the CEO. In appropriate circumstances these matters may be referred to the police and SMART may consider taking appropriate legal action against the complainant, if necessary, without warning.

**Contact Details:**

Mr Ian Preece, Acting Chair of the UK Board.

By email: info@smartrecovery.org.uk

**Handling Complaints**