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**COMPLAINTS BOOKLET**

B. GUIDELINES FOR INVESTIGATORS

1.0 Good Practice Guidelines For Complaint Investigations

Nugent recommends that the following guidelines be adhered to by staff who are requested to carry out an investigation of a complaint on behalf of Nugent.

The guidelines are not part of the policy or procedures, but a tool to implement Nugent’s Complaints policy and associated procedures.

They are drawn from previous guidelines produced by Nugent, and also from a document produced by the North West Complaints Officers Group of which we are a member.

**2.0** **Assessment:**

The first stage of the investigation is an Assessment of the issues involved. In order to do this you will most likely need to:

* Contact the complainant to clarify the complaint.
* Assess whether the issues raised by the complainant fall within the complaints procedure.
* If the issues raised by the complainant do not fall within the complaints procedure you will need to discuss with the complainant alternative possible procedures, for example, appeals to tribunals, legal action, and police involvement. Nugent have established policies and procedures concerning the safeguarding of children and vulnerable adults from abuse, and policies and procedures which deal with issues relating to staff conduct.

If the issues raised by the complainant fall within the complaints procedures i.e. *‘An expression of dissatisfaction with any of Nugent’s services or projects which requires a response.’* (see Policy Manual Book 2; Section 11 Complaints) then it is necessary to discuss with the complainant:

* What they expect, or would like, in terms of solution or outcome.
* Whether she/he needs support of any kind; e.g. language interpretation (and try to ensure that this is provided).
* Explain the investigation procedure.
* Consider whether the complaint could be resolved without further investigation

Nugent acknowledges that it is not always easy to distinguish, in the initial stages, what is a complaint and what is an allegation (see Complaints Policy for Allegation definition). Sometimes what has started as an investigation into a complaint has become an enquiry into an allegation and vice versa. It is important therefore to be conversant with the additional policies and procedures outlined in the bullet points above and act accordingly if you feel it appropriate.

## 3.0 The Investigation

Having clarified with the complainant what issues are involved and that they fall within the remit of the complaints procedure, the next stage is the development of an investigation strategy.

**N.B. If the complaint is about proposed action not yet implemented, see if the action can be deferred whilst the complaint is investigated.**

The strategy will be about ensuring clarity in terms of the problem and resolution, who is involved, who you need to speak to and what documentation you will need to see.

Remember to be clear about timescales, Nugent’s Procedures stipulate that the complaint should be investigated within the following timescales:

***Stage 1 – 10 working days***

***Stage 2 – 25 working days***

It may be useful to write down your strategy to assist you throughout the process.

Issues you will probably need to address within the strategy include:

**People to see:**

* Check if there are any previous recorded complaints for this person.
* Potential witnesses. (Make this list comprehensive, it is better to see everyone and not include his or her information than to miss someone crucial out.)

**Documents to see:**

* Read about the background and the relevant legal and administration policies and procedures.
* Obtain, and if necessary secure, the relevant documents, such as files, log books and time-sheets and insist on seeing the originals, not copies, and get copies of all the documents needed.
* Establish the relevant sequence of events from the files and also the names of those most directly involved in the content of the complaint. This will help you analyse the complaint into its different elements for further action or decision.

## Interviewing people:

Having identified whom you want to see and the documentation, you can begin to consider what questions you may wish to ask.

* Prepare the line of questioning :
	+ Use open, not leading questions
	+ Do not express opinions in words or attitude
	+ Ask one question at a time
* Arrange the order of interviews so that normally followed procedures and practices are established start with more senior officers and end with those most directly involved in the complaint.
* Inform all those to be interviewed that a work colleague may accompany them, provided that the colleague is not in a supervisory position over the interviewee, or also involved in the complaint, or a trade union representative.
* Explain the complaint clearly to them.
* Consider whether a witness to a particularly difficult interview is needed – this is also a good way of training new investigators.
* Interviews should be conducted in as informal and relaxed a manner as possible, but persist with questions if necessary. Do not be afraid to ask the same question twice.
* Make notes of each answer given.
* Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
* Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, consider organising a meeting between the conflicting witnesses.
* At the end of the interview, summarise the main points covered by the interviewee and ask if she/he has anything to add.
* Make a formal record of the interview from the written notes as soon as possible after the interview while the memory is fresh. Never leave it longer than the next day.
* If appropriate, visit unannounced, the establishment complained about, to check normal practices.

## 4.0 The Report

Having completed your investigations, you will have to prepare a written report of your findings. A template of a suitable report format is provided (see Forms & Guidance on the Nugent website).

At Stage 1, the report is less formal, and is forwarded to the Head of Service for consideration and/or comment.

At Stage 2 the report is forwarded to the relevant Director.

In addition, it would be helpful if you could draft a letter to the complainant on behalf of the Head of Service/Director and attach this with your report (templates of appropriate letters at Stage 1 (external complainant) and stage 2 can be found on the Nugent website).

Once completed, forward your report and draft letter, together with the completed complaints form to the appropriate person.