

# South Oxford Community Association

## Complaints Policy and Procedure

### 1. Introduction

South Oxford Community Centre (SOCA) aims to provide its service users with a fair and high quality service, within its stated aims and priorities and welcomes feedback from employees, volunteers, service users, members, other individuals and organisations we work with, on all aspects of our services. We engage with the local community to gather their feedback on services we provide and services we may provide in the future to meet local need. Such feedback is invaluable in helping us to improve our work. This policy and procedure also applies to complaints from neighbours of the Community Centre or members of the public wishing to bring forward a complaint.

The purpose of this complaints policy and procedure is to:

- Provide a formal means for feedback, both compliments and complaints, to be dealt with;
- Ensure that everyone knows how to make a complaint;
- Ensure that complaints are dealt with consistently, fairly and quickly;
- Ensure that complaints are monitored and contribute to changes to improve our services.

#### Our policy covers complaints about:

- the standard of service expected from SOCA
- the behaviour of SOCA staff and volunteers in delivering that service
- any action, or lack of action, by our staff or others engaged on SOCA business
- hirers using the South Oxford Community Centre

The Community Association will:

- Listen carefully to complaints
- Wherever possible treat complaints as confidential
- Ensure that wherever possible, and except for reasons of legality or confidentiality, its management of complaints is open and transparent
- Ensure that any staff and volunteers named in a complaint are made fully aware of the support mechanisms available to them
- Record and store all information in accordance with the Data Protection Act
- Fully investigate the complaint quickly
- Write to the complainant with the results of the investigation, inform them of any actions implemented to prevent a re-occurrence and to tell them of any right of appeal
- Report to each Management Committee Meeting the number of compliments and complaints received, the findings of any investigations and actions taken.

*This Policy and Procedure does not replace any legal rights an individual or organisation may wish to explore.*

### 2. Definitions

A complaint is any expression of dissatisfaction by anyone using our services whether justified or not. An individual

or other organisation may make a complaint if they feel that SOCA has:

- Failed to provide a service or an acceptable standard of service
- Delayed in providing a service
- Made a mistake in the way it has provided a service
- Provided an unfair service
- Failed to act in a proper way

### **Legal issues**

There may be occasions when we are required by law to refer a complaint to law enforcement or statutory agencies, or we are informed about a complaint by a law enforcement agency, solicitors or bodies with statutory powers of investigation. At all times legal, statutory or professional investigations will take primacy over the Complaints Policy and Procedure and we will not undertake any actions that may compromise any external investigations. In such cases:

- The Complaints Policy and Procedure will be initiated and the governing body may take such action to protect clients, users, or this organisation through suspension of a member or other volunteer until such a time as any legal procedures or investigations are completed to the satisfaction of the external agencies concerned. If the complaint involves a paid member of staff then the Disciplinary and Grievance Procedure will be used.
- Once immediate actions have been taken the Complaints policy will become suspended until such a time as any legal procedures or investigations are completed to the satisfaction of the external agencies concerned.
- We will keep full and accurate records of its actions in respect of such a complaint.

In situations where a complaint may have financial or legal consequences for this organisation, our insurers require us to cease direct contact with the complainant. It may then be necessary, in the best interests of the complainant, to refer them to a third party, both for assistance with the complaint and to ensure that their service needs are met.

### **3. Data Protection**

To process a complaint SOCA will hold personal data about a complainant, in line with GDPR regulations, which the individual provides and which other people give when investigating the complaint. We will hold this data securely and only use it to help to address the complaint. The identity of the person making the complaint will only be made known to those needing to consider the complaint and will not be revealed by SOCA to other people or made public. However it may not be possible to preserve confidentiality in all circumstances, for example, where relevant legislation applies or allegations are made which involve the conduct of third parties.

Under the Freedom of Information Act 2000, individuals have a right to obtain a copy of their personal data. However, there are exceptions to this right. SOCA will normally destroy its complaints files in a secure manner 6 years after the complaint has been closed.

#### 4. Monitoring

Complaints are an important tool, which alongside other user feedback and evaluations will allow SOCA to learn about the services provided. They provide a useful source of information about how individuals see our services and how we are serving them and how the local community perceives SOCA. To ensure that we learn from complaints the following information will be collected:

- Name and address of complainant
- Date complaint received
- Name of person dealing with the complaint
- Date of response to the complaint
- Nature of the complaint
- Action(s) taken recommendations made in response to the complaint (where appropriate)
- Lessons learnt

Complaints information will be considered on a regular basis and reported quarterly to the Management Committee. Wherever possible the information will be used to improve and develop services.

If SOCA receives a complaint about another member of the organisation the formal complaints procedure will be used and we will also carry out any actions in accordance with our constitution.

#### 5. The Procedure

There are two stages to the complaints procedure:

##### Stage One: The Complaint

###### a) What you need to do

Write to SOCA explaining your complaint as fully as possible. Your letter should be addressed to the Chair at the above address and marked "Private and Confidential". Please include your name, a contact address and telephone number and the name of the organisation you represent, if appropriate. SOCA cannot respond to anonymous complaints. The organisation can help you to put your complaint in writing, or signpost you to someone who can support you to do this.

If your complaint directly concerns the Chair or Vice Chair you can send your complaint to any other Committee member/Trustee marked "Private and Confidential".

###### b) What we will do

If an individual prefers to make a verbal complaint then the person dealing with it **must** record the details on the **Complaints Form**, which you will be asked to sign. If an individual asks for a copy of the Complaints Policy and Procedure and a Complaints Form we will send these out where possible on the **same day or within 3 working days** of the request.

On receiving a complaint we will ensure that it is logged on to the complaints register.

The Chair will contact you within 10 working days with written confirmation that your complaint has been received and that an investigation has begun. If the Chair is not available, the Vice-Chair will deal with the matter. If both are unavailable another Committee member/Trustee will deputise.

The Chair (or deputy) may be able to resolve the complaint quickly by way of an apology, by providing the service required or by providing an acceptable explanation. The Chair will complete a 'Complaints Investigation Report' (see appendices) and send a copy of this to you.

If it is not possible to resolve the complaint quickly then the Chair (or deputy) will fully investigate the complaint by interviewing any relevant staff. The Chair may seek advice from our insurers and/or from external advisers. If the investigation is likely to be time-consuming or complex, the Chair may involve up to two other Committee members/Trustees. Notes will be taken of any interviews and the interviewees will receive a copy. The Chair will list any evidence seen (e.g. files, E-mails etc.).

All parties involved in the investigation will be required to keep the matter private and confidential, except that staff may seek the advice of trades unions or other advisers if they consider that the SOCA Disciplinary and Grievance Procedure will need to be invoked

You will receive a copy of our "Complaint Investigation Report" within 21 days. This will be in writing, unless you have requested that we use another medium. It will include a summary of what has been done to investigate the complaint and any proposed action to remedy the situation. Having received the report you then need to complete the return slip indicating if you are satisfied with the outcome of the investigation or not.

If you are dissatisfied with the outcome the return slip provides the organisation with details of your intention to move to Stage 2.

## **Stage 2: Appeal against the Chair's decision**

### **a) What you need to do**

If you are dissatisfied with the decision that has been made you can appeal. This must be done within 10 working days of having received the Complaints Investigation Report. You make your appeal by completing the return slip indicating that you are not satisfied and wish to move to Stage 2 of the complaints procedure.

### **b) What we will do**

You will be invited to make your appeal in person to an 'Appeals Panel' consisting of 3 of SOCA Committee members/Trustees not previously involved in the investigation. They will have been given a copy of the Complaints Investigation Report, but will not have discussed the matter with the investigator or the staff involved.

The role of the Appeals Panel is to see if your complaint has been dealt with properly and fairly and whether an appropriate decision has been reached, not to re-investigate the complaint. Where the complaint is against a member of staff or volunteer, that person will be given the opportunity to submit a written statement to the Appeals Panel. This will be considered alongside the original complaint, the investigation report and any action suggested to remedy the situation.

You will be given at least 7 days' notice of the date, time and venue of the Appeals Panel meeting and all reasonable efforts will be made to hold the meeting at a time convenient to you. You may bring someone to assist you, or to witness the procedure.

The Appeals Panel will write to you within 7 days to notify you of its decision and any actions to be taken to address the complaint. The Appeals Panel's decision will be final and no further correspondence will be entered into.

## **How we will behave towards a person against whom a complaint has been made**

Sometimes the organisation will receive a complaint about a person who is believed to have done something wrong. In these instances a written complaint will be needed. If the complaint is made against:

- **a member of staff or volunteer**, it should be addressed to the Administrator
  - **a member of the organisation**, it should be addressed to the Administrator
  - **a service user/client**, it should be addressed to the Administrator
  - **the Administrator/Manager**, it should be addressed to the Chair of the Management Committee/Trustees
  - **a Committee member / Trustee**, it should be addressed to the Chair of the Management Committee/Trustees;
  - **the Chair of Management Committee/Trustees**, it should be addressed to the Trustees via the Administrator.
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- The organisation will treat the person against whom a complaint has been made as fairly as the complainant. They will be given a copy of the complaint made, which may be anonymised in order to protect the confidentiality of the complainant, within 3 working days of receiving the complaint.
  - The person being complained about will be given the fullest opportunity to answer any criticisms and assistance and support will also be available for them if required. They will be asked to provide a written statement responding to the complaint, including identifying any witnesses to the event.
  - In recognition of the stressful situation the person being complained about will be offered support from the organisation in accordance with the resources available. This may be an individual who is identified to provide a listening ear and practical support in terms of helping them to complete a written response and explaining the process.
  - The person being complained about will be kept informed of progress throughout the process and along with the complainant will receive a copy of the Complaint Investigation Report within 21 days of the complaint.
  - If you are dissatisfied with the decision that has been made you can appeal. This must be done within 7 working days of having received the Complaints Investigation Report. You make your appeal in writing to the Chair of the Management Committee/Trustees. You will then be required to follow the process outlined in Stage 2 of the Complaints Procedure.

The organisation has different policies and procedures in place in order to ensure good, effective management of the organisation and delivery of services. Depending on the nature of the complaint these policies and procedures may be used either alongside or instead of the complaints procedure.

Whilst it is not uncommon for people to look for someone to blame when things go wrong, the person being complained about will be assured that this is not the aim of investigating a complaint. It will be made clear that the investigation of a complaint is to establish facts to try and find out what, if anything has gone wrong and identify any learning from the situation.

In the case of staff they will be reassured that the investigation does not form part of a disciplinary procedure, but that a separate disciplinary process could take place if this was found to be appropriate. In the case of volunteers, including trustees this would be via the volunteer and equal opportunities policy and procedures / trustee code of conduct.

If the complaint is about another member then the organisation must use the rules set out in their governing document for dealing with members and also implement its code of conduct. This will also apply if the person being complained about is a service user/client who is also a member.

Where the complaint is about a service user/client who is not a member of the organisation then its client code of conduct and equal opportunities policy and procedure will be used.

## **Interviews**

When the investigation requires a person being complained about to attend for interview, they will be told the purpose of the interview, what to expect and what preparation they need to do. They will be advised that they can bring someone (such as a friend, colleague) for support – although the position of confidentiality and their role should be made clear). They will also be told about the procedure after the interview.

## **Publicising the learning outcomes of complaints**

As well as informing all those involved of the outcomes of complaints and any recommendations that arise, the organisation will, via e.g. the staff newsletters and annual report let all staff and service users/clients know about the way in which we deal with complaints and how we have learnt from the experience in terms of changes in recommended conduct or changes in policies. The organisation is aiming for a culture where reporting a complaint and action taken is seen as a positive act in that it assists organisational learning and contributes to better services.

## **Persistent and vexatious complaints/complainants**

### **1. Unacceptable behaviour**

SOCA recognises that from time to time there will be people who repeatedly file persistent, trivial or vexatious complaints. Should this arise the complaint / complainant may be dealt with in a different way than that determined in the procedure in order to minimise the resources required to investigate the complaint.

Deviation from the procedure will only be acceptable if a complaint or the behaviour of the complainant is clearly unacceptable or trivial.

### **2. Examples of unacceptable behaviour**

Examples of unacceptable behaviour include:

- aggressive or abusive behaviour
- persistent complaints about the same issue when that issue has previously been investigated and closed in accordance with this policy
- trivial or frivolous complaints that do not warrant action
- malicious or vexatious complaints that seek to discredit the organisation, Trustees, employees or partner organisations

### **3. Managing unacceptable behaviour**

SOCA will not tolerate aggressive or abusive behaviour towards their employees, other service users/clients, members or employees of partner organisations.

In the event a member of staff feels they are being treated aggressively or abusively they should advise the complainant their behaviour is unacceptable and terminate any conversation or meeting and inform the Administrator/Manager of the situation.

The Administrator/Manager will determine what further action is appropriate.

#### **4. Resolution**

SOCA will take all reasonable steps to investigate and resolve complaints in accordance with this complaints procedure, however, the association reserves the right to decline investigation of complaints that are deemed unreasonable or trivial.

The decision to decline investigation into a complaint can only be taken by the Administrator/ Manager after careful consideration of the circumstances.

Complainants will be notified in writing of any decision not to investigate a complaint that is considered to be unreasonable or trivial and the reasons for this decision.

The Management Committee/Trustees will be notified of all decisions not to proceed with an investigation into a complaint and the circumstances.

Adopted by the Management Committee meeting held on Monday 14 September 2015
Reviewed 14 <sup>th</sup> September 2016; 20 <sup>th</sup> November 2017; 22 <sup>nd</sup> August 2018
Signed on Behalf of the Committee by:
Chair: Bob Price
Date: 22 <sup>nd</sup> August 2018