



## **COMPLAINTS POLICY AND PROCEDURES**

### **Policy**

Ponthafren Association takes any complaint made against a member, or members of the Trustees, staff, its volunteers, its services or the decisions it makes, very seriously. The Association recognises that it needs to have a complaints procedure to maintain and improve the quality of the services provided and to protect people who come into contact with Ponthafren personnel or its services. People have a right to be treated with dignity and in an honest and respectful way. Complaints are a means of resolving issues and misunderstandings that inevitably arise and they are an important part of the learning process that leads to improvements in the quality of the services the Association provides.

Complaints are a positive source of feedback about the services and work of the Association. To maintain good standards it is necessary to know when someone at the receiving end feels that they have not been treated in the manner they expected. Where a complaint highlights a problem or an inadequacy it will be used to improve the situation.

The Association will acknowledge and respond to every complaint. When a complaint is not within the remit or power of the Association to deal with it, every effort will be made to support and direct the person to the appropriate person or organization. It is important that both the complainant and anyone subject to a complaint are treated fairly in accordance with the principles of natural justice. If, because of a complaint made, the Association feels that action needs to be taken against an individual who is the subject of the complaint, the Association will endeavor to support that person and signpost them to other appropriate agencies for support.

The person whom the complaint is being made against, will be informed that a complaint about them has been received, this will be verbally, if still at stage one of the complaints process and a meeting will take place to try to resolve any issues and appropriate action will be taken to resolve the complaint.

If the complaint is of a more complex nature and stage two of the investigation process is in place, it may be necessary to ask the person/persons whom the complaint is being made against to stay away from the centre whilst ongoing investigations are being made. This decision will be made by the board of trustees and will not be made lightly.

- The Association has a designated person who has special responsibility for the complaints procedure. Currently the designated person is the Association Manager. Should anyone want to complain about this individual, they should approach the Vice Chair of the board of Trustees.

### **ADVOCACY**

Some people find it difficult to say what they want to say to the people they want to say it to. An Advocate is a person who assists someone to say what they want to say or who will say it on their behalf. Anyone wishing to complain is free, and encouraged, to ask anyone to act as his or her advocate if they feel this would help them to say what they want to say.

**To ensure natural justice, anonymous complaints cannot be taken forward.**

**If a person making a complaint does not want their identity revealed to the person they are complaining about, this will be respected; however, their identity will be revealed to the Complaints Sub Committee of the Board of Trustees.**

## **Complaints Procedure**

### **Who can make a complaint?**

Anyone who receives a service, anyone who is working with someone from the Association, anyone affected by decisions made by Ponthafren Association, can make a complaint.

### **Who can a complaint be made about?**

Trustees individually or collectively, staff, volunteers, other members, Counsellors, Tutors, the Ponthafren Association

### **How can a complaint be made?**

- You can speak to any Trustee, any member of staff, any volunteer. In most instances it is best to write to the Association Manager. However, if they are the subject of the Complaint you should write to the Vice Chair, of the Trustees.
- Complaints may be received verbally or in some instances through a member of the Association who has overheard concerns being raised by someone who has been unhappy about the way they have been treated by Ponthafren or its personnel.
- Staff should speak to the person named in their SMT. Should they want to complain about this individual, they should approach the Vice Chair of the board of Trustees.

### **What should be included in a letter of complaint?**

**The information that it is useful to put in a letter of complaint includes:**

- **The details of the complaint**
- **The consequences to the person of the actions they are complaining about**
- **What the person would like to see happen as a result of putting in the complaint**

### **What Happens when a complaint is made?**

- There are three stages to the Complaints Procedure, which are explained in more detail below. In the first stage the Association Manager, will ask the complainant if they would be prepared to discuss their complaint with the person or persons whom they have made the complaint about, to see if they can resolve the problem to everyone's satisfaction. This may also happen through the volunteer on duty, or other staff member. If everyone is satisfied, then that will be the end of the matter.

- If the complainant does not want to discuss the complaint with the person or persons concerned, or they are still unhappy after discussing it with the person or persons concerned, then the complaint will be dealt with under Stage 2 of the Procedure. Depending on the seriousness of the complaint, one or more people will be appointed by the HR Sub-Committee of the Trustees to investigate the complaint. After talking to the people concerned, and anyone else who can contribute to resolving the matter, a confidential report will be written and passed to the HR Sub-Committee to make a decision. A letter will be sent to the complainant informing them of the results of the investigation and any proposed actions that are not confidential.
- If the complainant is still unhappy with the conclusion of the investigation, then the matter will be referred to the Chair of the Trustees for the third and final stage of the Complaints Procedure. Depending on the seriousness of the complaint, the Chair may ask for assistance in reviewing and investigating the complaint from a person independent of Ponthafren Association. Once this stage has been completed, a final decision will be communicated by the Chair, in writing, to the complainant. It may also be the decision of the chair to ask for an independent mediator to become involved.

### **What can the complainant hope to get from making a complaint?**

- If the complaint has been resolved in Stage 1 of the procedure, the people involved will have settled the matter and if a person working for Ponthafren, in a paid or voluntary capacity, has acted inappropriately they will apologise. In addition Ponthafren will also review its working practices to see if any improvements can be implemented.
- When complaints are dealt with under Stage 2 or 3 of the Procedure, the complainant will be sent a letter that tells them whether the complaint has been upheld or not. If the complaint has been upheld, the letter will contain an apology on behalf of Ponthafren and details of the recommendations for remedial actions by Ponthafren, including any personal apologies to be made to the complainant. In some instances, where the recommendations directly involve people working on behalf of Ponthafren, the recommendations will not appear in the letter, as these matters are confidential and cannot be shared with the complainant.

### **Recording complaints.**

Records of complaints will be kept by the Association. Sometimes it may be difficult to tell if someone wishes to register a complaint or is merely making a passing comment. Wherever there is any doubt, the individual should be asked whether they wish to make an informal or a formal complaint.

A record must be kept of the action taken by the person receiving the complaint, or the complaints sub group, along with copies of all correspondence. Copies of all correspondence and other records must be kept in a locked drawer.

It is important to ensure that the following record is kept for every complaint received and is kept together in an accessible form.

- Date complaint received
- Name and address of complainant

- Description of nature of complaint
- Who has received the complaint
- Action taken - by whom, what action, when.

## **STAGES OF THE COMPLAINTS PROCEDURE**

### **Stage 1.**

#### **THE INFORMAL OR PROBLEM SOLVING STAGE**

If a person wants to complain, the aim is to sort things out as quickly as possible, preferably when the problem arises. This will involve informal discussions between the complainant and a Trustee/staff/volunteer. Support can be made available, if requested, through Ponthafren or an independent person to support or mediate the discussion. It is anticipated that Stage 1 would be completed within a 2 week period of the complaint being made. The person who the complaint had been made about, will also be informed that a complaint has been received about them and that the time scales above will also be applicable to them.

### **Stage 2.**

#### **THE FORMAL STAGE**

If the complainant does not want to participate in the Informal Stage 1 of the Procedure, or is not happy with the result of the informal process, she/he may wish to register a formal complaint. Information will be widely available on how to do this and assistance will be made available if necessary, following the procedure set out below. The complainant can give their complaint to any Trustee/staff/volunteer and this person will ensure that it is forwarded to the appropriate person as set out below. Assistance will also be given to help find an advocate if necessary. It is anticipated that the Formal Stage will be completed within a month of reaching the end of Stage 1.

2.1 The complaint can be sent (support will be provided should the complainant need help to make the written complaint) to the Association Manager, but then forwarded to the appropriate person depending upon whom the complaint is against:

- Complaint against another member/visitor of the Association, a tutor or a Counsellor: to the Association Manager
- Complaint against a member of staff or volunteer: to the Association Manager
- Complaint against the Association Manager: to the Vice Chair of the Trustees. (The Chair person will be excluded from the initial complaints structure, as they may be needed to cast a final vote in any complaints hearing)
- Complaint against a trustee: to the Vice Chair of the Trustees
- Complaint against the Chairperson: to the Association Manager, for the attention of the trustees.

2.2 An acknowledgement of the complaint will be sent within four working days of receipt, with a response and an explanation within 1 month. In the acknowledgement letter the complainant will be advised and encouraged to seek the support of an advocate if appropriate.

- 2.3 A person will be appointed, through the HR Sub Committee, to carry out an investigation (referred to as the investigating officer). The investigating officer will report the results in writing to the HR Sub-Committee and a formal letter informing the complainant of the results, will be sent from the HR Sub-Committee to the complainant and the person, or persons, about whom the complaint was made.
- 2.4 All complaints are different and the response to them varies. However the general principle in responding to any complaint is to gather as full and fair a picture of events as is possible, based on evidence and facts rather than supposition, and in as transparent and open manner as possible. Once the investigation has taken place the investigating officer will make a recommendation on whether the complaint is upheld, not upheld or partly upheld.
- 2.5 If the complainant or the person about whom the complaint is made is unhappy with the results of this, they can then ask for the complaint to be referred to the next and final stage of the Procedure (Appeal). This request should be made in writing and should be forwarded to the Chair of the Trustees.
- 2.6 The complainant must be informed of the outcome in writing. If the complaint is either upheld or partly upheld, then the complainant or the person about whom the complaint is made, should be informed of the actions Ponthafren Association proposes to take to rectify matters, unless these actions affect specific people and are therefore considered to be confidential.
- 2.7 In the letter from the HR Sub Committee, the complainant or the person about whom the complaint has been made, should be informed of their right to appeal, if they are still dissatisfied at the outcome.

### **3 Stage Three – Appeal**

- 3.1 If the complainant is not satisfied with the response from the formal investigation, then they can write to the Chair and ask for the complaint and the response to be reviewed. This option is also open to the person about whom the complaint was made. Appeals must be received within 2 months of the receipt of the letter outlining the results from the Formal Stage of the Procedure.
- 3.2 An acknowledgment will be sent within four working days of receipt, with a response and an explanation within 1 month.
- 3.3 Some issues will be more complex than others and it may require longer for some of these to be fully investigated. Consequently timescales given for handling and responding to complaints are indicative. If a matter requires more detailed investigation, the complainant will receive an interim response, at monthly intervals, describing what is being done to deal with the matter, and when a full reply can be expected and from whom.
- 3.4 On receiving the complaint, the Chair will decide whether the complaint can be dealt with by a simple review of the investigation report. If it can be dealt with in this way, the Chair will write a letter to convey the final decision. In more complex situations the Chair will select a panel to review the findings and to carry out any necessary further investigations. Members of the Appeal Panel should not have been previously involved in the process and may include members of Ponthafren who use the services and a person who is completely independent of Ponthafren.

3.5 The panel will aim to meet within 21 days, although this may take longer in complicated cases.

3.6 The panel will invite to the meeting, the complainant, the person or persons against whom the complaint has been made, and any other person who they feel can assist them in deciding on the merits of the complaint. Any such person may be accompanied to the meeting by a friend or supporter, or by an independent advocate.

3.7 The panel will report their decision and any recommendations in writing to the complainant and to any persons against whom the complaint was made within 7 days of the Panel Meeting. Again, time scales may be extended in more complex situations. The decision of the Panel will be final.

### **MONITORING COMPLAINTS**

The nominated Complaints person will provide a report on an annual basis to the Board of Trustees detailing all complaints handled by the Association.

HR sub group, staff and volunteers should monitor the complaints they receive and make monthly reports to the Trustee meeting, summarising the complaints received. Where it is felt that complaints or a trend in complaints indicates the need to review policies or procedures, then this should be reported to the Chair of the Board of Trustees. The HR sub group will also review complaints/incidents that have been recorded, when they meet to gain an overview of how situations are being handled by staff/volunteers.

### **PUBLICITY OF COMPLAINTS PROCEDURE.**

Ponthafren will make it as easy as possible for people to complain. A complaints poster is openly displayed within all of the premises used by Ponthafren.

### **If a complaint has been made about someone breaking centre ground rules:-**

Depending on the severity of the incident one of the following actions will be taken:-

1. Talk over issue. A) Asked to leave for day. B) Verbal warning C) Written warning.
2. Suspension pending investigation.
3. Barred.

**Members have the right to have a third party present at any meetings that are arranged in accordance with the above procedures.**

If a member does not want to talk to a member of staff, they have the right to talk to a Trustee.

