

BACK ON TRACK

Helping Injured Veterans

Registered Charity Number 1169764

COMPLAINTS PROCEDURE

Reviewed by: Trustees

Approved: September 2020

Next review date: August 2022

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1. Aims

Our charity aims to meet its statutory obligations when responding to complaints from beneficiaries and supporters of the charity. When responding to complaints, we aim to:

- Be impartial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into the charity's improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The charity will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the charity website.

2. Definitions and Scope

The charity considers a concern as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

The charity will resolve concerns through day-to-day communication as far as possible.

The charity considers a complaint as an expression of dissatisfaction about actions taken or a lack of action.

The charity intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Safeguarding matters
- Whistle-blowing

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use charity facilities should be directed to the provider concerned.

3. Roles and Responsibilities

The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the charity throughout the process and respond to deadlines and communications promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report which includes the facts and potential solutions

Clerk to the Trustees

Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings

- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee Chair

- Chair the meeting, ensuring everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee and are allowed to present their case

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The charity expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5. Stages of complaint (not complaints against trustees)

Stage 1: informal

The charity will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the charity headquarters.

The charity will acknowledge informal complaints within 5 working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and a member of the charity leadership team, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

The formal stage involves the complainant putting the complaint into writing. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The charity will then conduct their own investigation. The complainant may be accompanied to this meeting, and should inform the charity of the identity of their companion in advance. In certain circumstances, the charity may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the charity will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the trustees within 10 working days.

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the trustees in writing within 10 working days. Requests received outside of this time frame will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 working days.

Stage 3: review panel

The panel will be appointed by or on behalf of the charity and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the charity. The panel cannot be made up solely of trustee members, as they are not independent of the management and running of the charity.

The panel will have access to the existing record of the complaint's progress (see section 8).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the charity, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the charity representative(s) will be given the chance to ask and reply to questions. Once the complainant and charity representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint.

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the charity's systems or procedures to prevent similar issues in the future

The charity will inform those involved of the decision in writing within 10 working days.

6. Complaints against the board of Trustees

As a registered charity, the complainant can complain to the Charity Commission Regulator at any stage. Information about the kind of complaints the Charity Commission can involve itself in can be found on their website at: <https://www.gov.uk/complain-about-charity>.

7. Referring complaints on completion of the charity's procedure

If the complainant is unsatisfied with the outcome of the charity's complaints procedure, they can refer their complaint to the Charity Commission.

The Charity Commission will check whether the complaint has been dealt with properly by the charity. For example:

- Whether there was undue delay, or the charity did not comply with its own complaints procedure
- Whether the charity has failed to comply with any other legal obligation

If the charity did not deal with the complaint properly, it may be asked to re-investigate the complaint. If the charity's complaints procedure is found to not meet regulations, the charity will be asked to correct its procedure accordingly.

8. Persistent complaints

Where a complainant tries to re-open the issue with the charity after the complaints procedure has been fully exhausted and the charity has done everything it reasonably can in response to the complaint, the chair of trustees (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the charity again about the same issue, the charity can choose not to respond. The normal circumstance in which we will not respond is if:

- The charity has taken every reasonable step to address the complainant's needs, and:
- The complainant has been given a clear statement of the charity's position and their options (if any), and:
- The complainant is contacting the charity repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive. The charity will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the charity with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, charity staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the charity has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The charity will ensure when making this decision that complainants making any new complaint are heard, and that the charity acts reasonably.

9. Record keeping

The charity will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Trustees in case a review panel needs to be organised at a later point.

Where the Trustees are aware of the substance of the complaint before the review panel stage, the charity will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trustees, who will not unreasonably withhold consent.

10. Learning lessons

The Trustees will review any underlying issues raised by complainants and will determine whether there are any improvements that the charity can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trustees will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by clerk to the Trustees.

This policy will be reviewed by the Trustees every 2 years.

At each review, the policy will be approved by the Trustees.