

## Complaints Procedure

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### **1. Purpose**

The purpose of this document is to clarify the process for dealing with a complaint about the service offered by OCVA and procedures that will be used following a complaint.

It does not cover any internal complaints procedures which will be addressed by the Organisation's Grievance Policy.

This policy should be applied across the organisation in a consistent and transparent way. Our aim is to treat any person complaining in a manner consistent with our key values.

### **2. Principles**

**2.1** All complaints about our service will be taken seriously and will be thoroughly investigated.

**2.2** People who complain will, at all times, be treated with respect and courtesy and kept informed about the progress of any investigation.

**2.3** The process will aim to be:

- Fair and transparent to all parties: complainant, staff and volunteers
- Able to resolve any complaint in a timely and effective way
- Able to further improve services in the future
- Clear, easy to understand and accessible, particularly taking into account those who may not be able to access traditional contact methods or who may have other communication issues
- Based on the provision of timely and accurate information to all appropriate parties
- Confidential so that people can speak freely and so that best evidence can be available
- Subject to ongoing monitoring to make sure that it is being applied consistently in an effective way throughout the organisation

### **3. Definition**

A complaint is an expression of dissatisfaction which requires a response. If a complaint is received it is important to clarify if it is as follows:

a) An informal complaint where the service user does not wish to pursue a formal process but wishes to have a concern acknowledged and addressed.

b) A formal complaint (which should usually be in writing).

In both cases the complaint must be acknowledged and recorded.

In the case of a formal complaint the procedure outlined below must be followed.

#### **4. Timescale**

The usual timescale for making a complaint is six months from the date when the alleged incident takes place or comes to light. However, in very serious cases or where the complainant is particularly vulnerable, there is the managerial discretion to extend this time frame.

A formal process would not usually be undertaken after a calendar year has elapsed.

#### **5. Access (making a complaint)**

Making a complaint is not always an easy thing to do. It is important that people feel able to voice their concerns and complaints and that they can be assured that they will be taken seriously and treated fairly. OCVA staff should make it clear that they will be given time and a fair hearing. Complainants should always be offered the opportunity to attend any meetings with a friend of their choice and, if they so wish, appoint someone as their agent to manage the process on their behalf.

#### **6. Procedures for making a complaint**

##### **6.1 Informal complaints**

If a service user raises a complaint it is important that they are given the option of making a formal complaint or having their complaint dealt with informally. This will often rely on the gravity of the complaint though this may not always be the case. An explanation of the options should be offered to the complainant as soon as the complaint has been lodged.

If the complainant wishes to pursue the matter informally they should be advised that the complaint will be overseen by the relevant member of staff (unless the complaint is directly about that person in which case the appropriate manager above that individual will have responsibility).

The issue should be clarified and an agreed timeframe for informal resolution set. This should be communicated to the complainant in writing and they should be updated of the process and expected resolution date (within seven working days).

The issue should then aim to be resolved within fourteen working days. If the complainant is satisfied with the response the case may then be closed. Details of the complaint, however, should be kept and become part of an annual review of complaints that will be undertaken by OCVA's management team.

A decision to proceed to a formal complaint should be made by the complainant.

##### **6.2 Formal complaints**

All formal complaints should be sent to the Chief Executive in writing at:  
OCVA, The Old Court House, Floyds Row, St Aldates, Oxford OX1 1SS.

If a complainant needs help to write their letter then OCVA can be contacted on the following telephone number 01865 251946 in order to arrange for an independent advisor to assist in this matter.

### **6.3 Acknowledgement**

All formal complaints will be acknowledged by written reply within seven working days of receipt by the Chief Executive. All complaints will be logged and the date of receipt and acknowledgement recorded.

### **6.4 Investigation**

A formal complaint will be allocated to an appropriate level manager for action. A date will be agreed for a draft response to go to the complainant. If the matter is not resolved to the complainants' satisfaction then it will pass back to the Chief Executive for further investigation. If necessary it can be escalated to the Board of Trustees, should it still remain unresolved. Any decision by the board (or delegated member(s)) will be final.

If the complaint is about the Chief Executive it will be investigated by the Chair of trustees

### **6.5 Carrying out the investigation**

The investigation must be appropriate to the complaint and consider only the substantive issues raised by the complaint. The investigating manager must ensure that the following information is available to them:

- Details of the complaint
- Evidence relating to the complaint
- Dates, times, places and people involved and key events
- The names of any witnesses
- Relevant papers, letters etc.
- Any evidence of how the matters under investigation have affected the complainant or impacted on OCVA
- Any indication of what the complainant might expect as an outcome of the investigation

No member of staff may investigate a complaint against him or herself

### **6.6 Response to the complaint**

The written response should address the issues raised by the complainant and identify any remedial actions taken. The response should be written in plain language (and should be translated into appropriate language should the complainant not have English as a first language). The response should be balanced and fair. If any technical language is used it should be clearly explained. The use of jargon and acronyms should be avoided. The response must address all the issues raised by the complainant. An explanation of any planned action should be included.

If the complaint is not upheld this should be explained clearly and a reasoned argument for that decision included in the response.

### **6.7 Appeals**

The response to a complaint must advise the complainant that they have the right to have the matter looked at again (i.e. appeal against the decision). The complainant may believe that:

- the substantive matter(s) of the complaint has not been addressed
- the outcome is unsatisfactory
- the process of investigation was flawed and unfair

If the complainant raises any of the above the Chief Executive will authorise a review by a new investigating manager. In addition the Chief Executive may order an investigation into how the original complaint has been handled.

If the outcome of any further investigation is still not satisfactory to the complainant they will then have the right to have the complaint considered by a panel of trustees.

The panel will be made up of two Trustees and an independent note taker. They will take appropriate professional advice and the decision reached at this stage of the process is final.

### **6.8 Exceptions to the normal procedure**

If the complaint is about the Chair of the Board of Trustees it must be investigated by an externally appointed professional.

If the complaint is about a Trustee it must be investigated by the Chair of Trustees.

If the complaint is about the Chief Executive it must be investigated by the Chair of Trustees.

### **6.9 Criminal offences**

If any investigation gives rise to concern that a service user, OCVA staff member, volunteer or Trustee has been engaged in any criminal activities then the Trustee Board or Chief Executive may refer the matter to the police.

### **6.10 Disciplinary action**

If investigation of a complaint raises concerns about an employee or volunteer that fall within OCVA internal Disciplinary Policy guidelines then the relevant manager may make recommendations to begin a disciplinary process. Any evidence gathered during the complaints investigation may be used in such a process.

### **6.11 Confidentiality**

It is essential to maintain confidentiality at all time during a complaints investigation. The Data Protection Act 1998 classifies complaint documentation as personal data. Complainants are able to request copies of their complaint file in the same way as they can request access to other records.

All documentation of any kind relating to a complaint should be retained for five years after the last entry in the record. These should be treated as confidential documents and kept separate from other records.

## **7. Recording**

A central database of complaints will be maintained to log and record all complaints (formal & informal) along with incidents of when services have been withdrawn.

## **8. Monitoring and reporting**

The number of complaints will be monitored and reported on by the Chief Executive. This will take place on a quarterly basis and reported to the Board of Trustees.

## **9. Legal proceedings**

If the complainant has either instigated formal legal action, or notified intent to do so in writing, the complaints procedure should be stopped. The complainant and any person identified in the complaint should be advised accordingly.

## **10. Withdrawal of service**

It may, on occasion, be necessary to withdraw our services from a client if a service user acts inappropriately (threatening behaviour) or is in need of more specialist support. It is appropriate for the Chief Executive in consultation with the Board of Trustees to withdraw the services in such exceptional circumstances

It is possible that this decision may lead to a formal complaint so any decision to withdraw a service will need to be recorded on the complaints database, so that the information is readily available should an investigation be required.

*OCVA reserves the right to revise and reissue these guidelines at any point in time without prior notice.*