

COMPLAINTS POLICY

YMCA Dulverton Group is committed to ensuring that anyone who wishes to has a route to express any concerns or complaints and to investigate, and respond to these fairly and consistently in order to achieve continuous improvement.

1. Responsibility

- 1.1 The Board of Trustees, in association with the Chief Executive, has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.
- 1.2 The Chief Executive and the Executive Team have day-to-day responsibility for implementing this Policy and procedure, and for monitoring its use and effectiveness.
- 1.3 It is the responsibility of line managers to communicate the requirements of this policy and procedure to their employees.

2. Purpose of Policy

- 2.1 The Complaints Policy ensures that any complaints/concerns received are investigated and responded to in a fair and consistent manner to improve services and performance.
- 2.3 To ensure that staff understand and comply with the requirements of the Complaints Policy in respect of all members of staff and volunteers of YMCA Dulverton Group.
- 2.4 To provide a framework in which a consistent approach is undertaken and records to be kept in regards to complaints and concerns.

3. Scope

- 3.1 This policy applies to all YMCA Dulverton Group staff and volunteers working in all properties owned and/or managed by YMCA Dulverton Group, both current and former.

4. Equality Impact Assessment

- 4.1 We are committed to treating everyone fairly, recognising the protected characteristics set out in the Equalities Legislation. We will act sensitively towards the diverse needs of individuals and communities and will take positive action where appropriate.
- 4.2 We make appropriate arrangements where necessary to ensure that customers with distinct communication needs are not unreasonably and disproportionately

affected. This could involve providing communications in alternative languages or formats or providing interpretative or transcription assistance where appropriate.

- 4.3 We will ensure that anyone living with us, and in particular those under the age of 18, is supported to make a complaint and ensure that they are not subject to any reprisal or detriment for making a complaint or representation.

5 Queries

- 5.1 If there are any queries relating to this Policy please contact a member of the Quality and Compliance team.

6 Definitions

- 6.1 **Customer:** Refers to all service users whether they be residents in our accommodation (including young people aged 16-17 and anyone living within our supported living and supported lodgings schemes), young people in our clubs, children in our early years provision, children or family members who use our facilities or members of the community who hire a room or use any of our community facilities.
- 6.2 **Service Request:** A service request in the context of this policy is a request from a customer requiring action to be taken by YMCA Dulverton Group to put something right. A complaint should be raised when the customer raises dissatisfaction with the response to their service request. Service requests will be recorded, monitored and reviewed regularly.
- 6.3 **Complaint:** An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by YMCA Dulverton Group, its own staff, or those acting on its behalf, affecting an individual customer or group of customers. A customer does not have to use the word 'complaint' for it to be treated as such.
- 6.4 Where dissatisfaction is expressed about a service and we have been unable to remedy the situation and the customer chooses to formalise the matter, a complaint should be lodged within 12 months of the occurrence which is being complained about.
- 6.5 A complaint may be made by a current or former customer, a prospective customer, a third party affected by our actions, or an MP, Councillor or third party acting on their behalf with their permission. Compliments, complaints and suggestions may also be raised via our different social media platforms. See exclusions section.

7 Introduction

- 7.1 YMCA Dulverton Group seeks to achieve continuous improvement in the services we provide to all our customers, and to maintain a positive working relationship with them.

To assist us in reviewing and improving our standards, we positively welcome comments, complaints and suggestions about our services.

- 7.2 A key element in this process is an effective, impartial and accessible Complaints Policy and Procedure.

7.3 Application of Complaints Procedure

- 7.3.1 This procedure is used to consider complaints about the services provided by YMCA Dulverton Group, or its agents, to all its customers and others affected by our activities. Care must be taken to distinguish between a request for a service and a complaint.

- 7.3.1.1 Examples of the type of complaint covered by this procedure include:

- failure to record rent and other payments properly
- the way YMCA Dulverton Group staff or agents have conducted themselves whilst carrying out its business
- unreasonable delays in carrying out repairs
- lack of officer response to a report of neighbour nuisance
- failure to carry out what has been agreed or to meet the standards promised

- 7.3.1.2 The following type of complaints cannot be pursued through the Complaints process where the issue:

- Has already been raised through our complaints process and matters have previously been considered under the complaints policy.
- Is, has or should be handled through legal action and where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Is an internal complaint raised by a member of staff or volunteer (which should instead be treated in line with the grievance or whistleblowing policies).
- Is raised anonymously or without any means of speaking to the complainant in order to substantiate their complaint.
- The issue giving rise to the complaint occurred over twelve months ago. Discretion will apply here e.g. individual personal circumstances e.g. bereavement/illness; vulnerabilities; where a resident has not been aware of the issue and could not be expected to bring the complaint forward sooner.

- 7.3.1.3 Where a complaint cannot be pursued through our complaints process, we will provide the customer with an explanation

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setting out the reasons why the matter is not suitable for the complaints process and the right to take our decision to the Housing Ombudsman if their complaint is in relation to our landlord duties or OFSTED if it is in relation to one of our OFSTED registered services. If the Ombudsman/ OFSTED does not believe that the exclusion has been fairly applied, they may tell us to take on the complaint.

7.4 Informing Service Users

- 7.4.1 The Complaints Procedure will be publicised in all YMCA Dulverton Group's offices and schemes (where appropriate) as well as online through our website.

7.5 General Matters

- 7.5.1 There will be times when a complaint cannot easily be resolved because of legal, financial or other constraints. For example, modernisation work may be delayed because of financial considerations. It is important that these constraints are explained to complainants.
- 5.5.2 Staff should compliment general publicity and information by ensuring that customers are aware of the Complaints Procedure as a means of airing a grievance where appropriate.
- 5.5.3 If a complaint is made to an agent or other contractor of YMCA Dulverton Group, they must inform an appropriate member of staff at the earliest opportunity, even if the complaint appears already to have been resolved.

7.6 Principles

- 7.6.1 There are a number of principles which underpin the Complaints policy. These are:
 - 7.6.1.1 all complaints have validity;
 - 7.6.1.2 receipt of a complaint does not always mean that YMCA Dulverton Group is at fault;
 - 7.6.1.3 we want to avoid hostile confrontation;
 - 7.6.1.4 we aim to avoid legal action;
 - 7.6.1.5 settlement of complaints should not lead to consequential claims.
- 7.6.2 All complaints and actions taken/responses provided must be logged with the Quality and Compliance team without due delay.

7.7 Harassment or Discrimination

- 7.7.1 Complaints alleging harassment or discrimination by YMCA Dulverton Group's policies or a member of staff are taken extremely seriously. Complaints of

this nature will usually be investigated under Stage 2 of the procedure, review and report.

- 7.7.2 Complainants must be informed of their right to lodge complaints of discrimination on the grounds of race or gender in the County Court and of their rights under the Protection from Harassment Act 1997.
- 7.7.3 Complaints of harassment by other residents do not fall within the scope of this procedure.

8. Making a complaint

- 8.1 A complaint can be raised in any way and with any member of staff. Ways of raising complaints will include:
 - 8.1.1 Completing a complaint form and handing it in to a member of staff at one of YMCA Dulverton Groups sites
 - 8.1.2 By email to listenedto@ymca-dg.org
 - 8.1.3 By letter to the Complaints Officer, YMCA Dulverton Group, The Apple Store, Coombe Lodge, Blagdon, BS40 7RE
 - 8.1.4 Completing the complaint form on the YMCA Dulverton Group website
 - 8.1.5 Verbally to a member of staff who will support the complainant to complete a complaint form
 - 8.1.6 Where a complaint or service request is raised via social media, it will be treated in line with the complaints policy and process. Where it is identified as a specific complaint then the complainant will be contacted directly via social media to progress this further, where it is a service request then the Charity will decide whether to publish a public or private response.
- 8.2 A summary, step by step guide to the complaints policy will be made available in plain English at key points around our sites and on our website. Where a customer might require assistance in completing a form, assistance can be provided by a member of staff or by a third party such as the Citizens Advice Bureau.
- 8.3 A summary of this policy and a full copy will be made available on our website, including information about the Housing Ombudsman and the Housing Ombudsman Code.
- 8.4 Where the complaint concerns a Safeguarding issue relating to anyone engaged with YMCA Dulverton Group services, then Safeguarding Policy will apply.
- 8.5 The officer reviewing the complaint will also consider whether the seriousness of the matter triggers any regulatory reporting requirements. If there are any questions over the most appropriate steps to take, then the advice of the Company Secretary will be sought.

9. Exceptional variation



Here for young people
Here for communities
Here for you

YMCA enables people to develop their full potential in mind, body and spirit. Inspired by, and faithful to, our Christian values, we create supportive, inclusive and energising communities, where young people can truly belong, contribute and thrive.

- 9.1 A tiny minority of customers may account for a disproportionately and unreasonably high volume of complaints, diverting significant time and resource away from other customers. The following are examples where a complainant could be considered to placing an unreasonable demand on YMCA Dulverton Group:
- 9.1.1 Requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another;
 - 9.1.2 Refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint;
 - 9.1.3 Refusal to co-operate (e.g. complaining without responding to clear and appropriate requests to clarify the complaint, and or requests for further information to investigate it);
 - 9.1.4 Verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations and threats of violence);
 - 9.1.5 Overload of letters, calls, emails or contact via social media (this could include the frequency of contact as well as the volume of correspondence received as well as the frequency and length of telephone calls).
- 9.2 A member of the Executive Team must confirm that a complainant is acting unreasonably. Where this is so we will:
- 9.2.1 Provide a single point of contact;
 - 9.2.2 Limit contact to a single form - i.e., to writing, email or telephone only;
 - 9.2.3 Limit contact to certain times or to a limited number of times per week or month;
 - 9.2.4 Decline to give any further consideration to an issue unless any additional evidence or information is provided;
 - 9.2.5 Only consider a certain number of issues in a specific period.
- 9.3 The above course of action will be confirmed in writing to the complainant, alongside an explanation as to why their complaint is considered unreasonable and what action is required to address this. We will review any such decision every 6 months.
- 9.4 Any new, unrelated, complaints that are received during this time will be treated on their individual merits and will be dealt with accordingly.
- 9.5 Service user or external complaint about a board / committee member, chief executive or executive team member.

9.5.1 Where a service user or external complaint is received about the behaviour of a Board/Committee member, Chief Executive or Executive Team member, the investigation will be commissioned by the Remuneration Committee. In commissioning this work, the Committee may choose to bring in an independent person to carry out the investigation if they consider it necessary to do so. Where the complaint is about a member of the Remuneration Committee, then the Chair of Trustees will work with the Company Secretary and Chief Executive to commission an investigation.

9.6 For the avoidance of doubt, this Complaints Policy is for service users or external complaints. For any internal matters relating to employment, volunteering or contracting concerns, then they should be raised under the Grievance Procedure.

10. Data protection and information sharing

10.1 We will share relevant information with appropriate agencies in line with Data Protection Legislation that governs when and how we can share personal information.

11. Staff training

11.1 We will use anonymised complaints to support staff with training in delivering the Complaints Policy.

12. Complaints handling procedure

12.1 Stage 1: Complaint

A complaint will first be investigated at stage one of the complaints procedure. YMCA will progress a complaint in a fair and transparent manner:

12.1.1 Within 5 working days we will acknowledge receipt of the complaint and provide an indication of when a substantive response to the complaint might be given. If we consider the matter to be a Service Request rather than a Complaint, then we will confirm that at this stage. The day we receive the complaint is day 0, unless the complaint is received outside of our core working hours (9.00am 5.00pm). In this instance, the date received will be logged as the following working day and counted as day zero.

12.1.2 After acknowledging the complaint (above) we will contact the complainant (where appropriate) to arrange to meet and review the complaint and gather further information. We will also meet with members of staff and stakeholders as necessary to agree a response.

- 12.1.3 No person who is the subject of a complaint or representation will be asked to take part in any part of the complaint investigation or consideration, except at the informal resolution stage, if it is considered appropriate.
- 12.1.4 After arranging to meet the complainant (or acknowledging the complaint if no meeting is proposed) we will write to the complainant setting out our findings and if necessary, offering resolution. We will respond with a decision within 10 working days of the complaint being acknowledged. Our response will clearly set out the description of the complaint (the 'complaint definition'), the decision made (whether it has been upheld/partially upheld/not upheld) and the reasons why, details of any remedies to put things right and any outstanding actions. It will also provide details of how to escalate the matter if unsatisfied.
- 12.1.5 If this time limit cannot be met, we will write to the complainant within 10 working days of acknowledgement, explaining the reason for the delay, providing a revised date (which should not exceed a further 10 working days without good reason) and giving details of the Ombudsman or OFSTED (where relevant).
- 12.1.6 If the complainant is not satisfied with the response to the complaint, they will have 14 working days in which to appeal. The procedure for making an appeal will be set out in the complaint response and an appeal must be made within 14 days. If no appeal is forthcoming, then the complaint will be considered to be closed. We will, however, exercise discretion and review requests to escalate after this time on a case-by-case basis.

12.2 Stage 2: Appeal Against Decision

If the customer is not satisfied with the outcome of Stage 1 of the procedure, or feels that the procedure has not been followed, the next stage is to progress to stage 2.

- 12.2.1 Within 5 working days we will acknowledge receipt of the stage 2 complaint and provide an indication of when a substantive response to the complaint might be given.
- 12.2.2 Complainants are not required to explain their reasons for requesting a stage 2 consideration. We will, however, make reasonable efforts to understand why a customer remains unhappy as part of our stage 2 process.
- 12.2.3 A review of the decision will be taken by a person who is not involved in the original decision. Where the complaint is about the Chief Executive, an Executive Director or Trustee, then this appeal

stage will be coordinated by the Remuneration Committee or Chair of the Board as is necessary and appropriate in the circumstances.

12.2.4 We will respond with a decision within 20 working days of the stage 2 complaint being acknowledged. Our response will clearly set out the description of the complaint (the 'complaint definition'), the reasons for our decision (whether it has been upheld/partially upheld/not upheld), details of any remedies to put things right and any outstanding actions.

12.2.5 If this time limit cannot be met, we will write to the complainant within 20 working days of acknowledgement, explaining the reason for the delay and providing a revised date (which should not exceed a further 20 days without good reason) and providing details for the Housing Ombudsman (where relevant).

12.3 Housing Ombudsman

Where the complaint relates to landlord services then complaints may be passed directly to the Ombudsman if the complaint has passed through all the internal procedures for considering complaints against the landlord. Residents can, however, contact the Housing Ombudsman at any point during the complaint process. They cannot investigate the complaint whilst it is going through the internal procedure but they may help facilitate a resolution.

They can be contacted at:

Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

<https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

12.4 OFSTED: Early Years/Registered Childcare provision

As above, any parent/carers at any time can submit a complaint to OFSTED about any aspect of our registered childcare provision. OFSTED will consider and investigate all complaints received. They can be contacted at:

OFSTED, Piccadilly Gate, Store Street, Manchester M1 2WD

Tel: 0300 123 4666

enquiries@ofsted.gov.uk

<https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>

12.5 OFSTED Supported Accommodation

Where the complaint relates to young people's accommodation, complaints can be submitted to OFSTED if they have been through our internal procedures for considering complaints. They can be contacted at:

OFSTED, Piccadilly Gate, Store Street, Manchester M1 2WD

Tel: 0300 123 1231

enquiries@ofsted.gov.uk

<https://www.gov.uk/government/publications/whistleblowing-about-childrens-social-careservices-to-ofsted/sharing-concerns-and-information-with-ofsted-about-childrens-social-care-services>

13 Monitoring

- 13.1 Each Manager at every stage of the complaint is responsible for informing the Quality and Compliance team of actions taken in order to maintain the complaints log. The Log will identify whether it is about:

- 13.1.1 A matter of policy;
- 13.1.2 Failure of service delivery;
- 13.1.3 Personal behaviour of staff or agent;
- 13.1.4 Discrimination or harassment.

- 13.2 Complaints Monitoring information will be provided quarterly by the Executive Director of Quality and Compliance, for presentation to the Chief Executive and Board of Trustees. This report is to include an assessment of wider issues identified from individual complaints, which may be usefully addressed in reviews of or improvements to aspects of the YMCA Dulverton Group's operations.

13.3 OFSTED Early Years Provision

We will ensure that a record is made of any complaint or representation, the action taken and the outcome of any investigation as it relates to children enrolled into our OFSTED registered Early Years schemes. We will provide (where requested) a statement containing a summary of any complaints or representations made during the 12 months preceding the date of the request and the action that was taken in response to each complaint or representation to OFSTED as required for monitoring and reporting purposes.

13.3 OFSTED 16/17 accommodation

We will ensure that a record is made of any complaint or representation, the action taken and the outcome of any investigation as it relates to young people aged 16-17 that live in our OFSTED registered schemes. We will provide (where requested) a statement containing a summary of any complaints or representations made during the 12 months preceding the date of the request and the action that was taken in response to each complaint or representation to OFSTED as required for monitoring and reporting purposes.