

Complaints Policy and Procedure

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| <p>How are our values demonstrated/supported through this policy?</p> | <p>We welcome all –this policy helps YMCA us learn where we get things wrong and ensure we continuously improve our services</p> |
| | <p>We support – this policy provides the complaints framework to ensure that we support children and young people who use our services, visitors, neighbours, volunteers and other stakeholders to have a positive experience in our services, and to have a say when things are not right</p> |
| | <p>We inspire – we aim to inspire others to adopt a culture of learning, and openness to feedback so that we can continually improve how we do things</p> |
| | <p>We speak out - we want children and young people and other stakeholders to be able to speak out when we get things wrong so that we can learn and put things right</p> |
| <p>Equity, Diversity & Inclusion implications of this policy</p> | <p>We treat all children and young people and other stakeholders with fairness and respect. We recognise we may need to adapt this policy and procedure to accommodate the different needs of our children and young people and other stakeholders.</p> <p>We remain aware that those who experience issues relating to their mental health (e.g. anxiety, trauma, anger management) may find complaints processes particularly problematic. We recognise that some groups of children and young people may need extra support to voice concerns and to make complaints.</p> <p>We will readily make reasonable adjustments to our ways of working. All children and young people will have access to this policy and procedure and an explanation of our process. This document and any related leaflet may be translated or interpreted or provided in accessible formats according to children and young people’ needs.</p> <p>Equity, Diversity and inclusion training is mandatory for all staff including complaints leads.</p> |
| <p>Policy Owner</p> | <p>Head of Impact and Improvement</p> |
| <p>Version Control</p> | <p>Version number: 11</p> |
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| Version # | Date of review | Reviewer | Summary of changes (state the section) |
|-----------|----------------|-------------|---|
| 10 | 22/1/2024 | Satnam Kaur | 6.0 - Addition of Head of Operations to list of people who can access complaints register Appendix 1 : 2.1 addition of excluding matters related to complaints being dealt with under the procedure provided for in the Children Act 1989 and the Children Act 1989 Representations Procedure (England) regulations 2006. 3.1 additional sentence strengthening investigation stage and protecting rights of complainant |
| 11 | 23/04/24 | Jayne Grier | Updated to reflect changes to job titles following organisational restructure in 2023. |
| 11 | 14/05/2024 | Kim Walker | Minor amendment to reflect Housing Ombudsman Complaint Code 2024 requirements |
| 11 | 10/10/2024 | CCarp | Minor amendment to reflect Housing Ombudsman Complaint code 2024 requirements |
| 11 | 21/10/2024 | Kim Walker | Amended flowchart to include reminders of additional ELT oversight for some complaints |

1.0 Introduction

A complaint is **an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident, group of residents, or children and young people using our services.** It is important to note that a complaint may not include the word ‘complaint’ to be treated as such.

A **Service request** – is a request for a service, which has not been made to YMCADLG previously. A service request can often be resolved quickly at first point of contact and often does not require a written response, and are recorded locally. If further enquiries are needed to resolve the matter, or if the resident requests it, the issue will be logged as a complaint. The service request will continue to be resolved in parallel with the complaint investigation.

This policy sets out how we will recognise and investigate complaints and our aim to resolve things promptly, fairly and politely, say sorry and learn from when we’ve got things wrong. We will report to residents about our performance with complaints through mechanisms such newsletters, satisfaction surveys and reports and the annual report to stakeholders.

2.0 Scope

This policy applies across all our services. Any child, young person or other stakeholder can make a complaint. Staff, however, must follow the process outlined in the organisation’s Grievance Policy. Whistleblowing is a separate matter and is addressed in the Whistleblowing policy.

There are rare occasions when a complaint will not be investigated, the matters excluded are:

- the issue occurred over twelve months ago (other than in exceptional circumstances)
- the issue is or has been subject to legal proceedings
- the element of the complaint relates to an insurance claim
- the complaint has been considered already

- the complaint is being pursued in an unreasonable way by the complainant

Disputes between individual children and young people/residents in services or accommodation projects are not complaints and must be raised with a member of staff through house rules procedures or the Anti-Bullying policy.

We have incorporated our responsibilities for Ofsted Regulation for supported accommodation 2023, for 16/17 care experienced young people within this document, with reference to Regulation 31 (Complaints).

3.0 Complaints - Key Principles

We will:

- resolve complaints where they arise (locally, informally, quickly), wherever possible
- receive complaints in any format - hand-written, telephone, text, social media, email, web form, and verbally
- make the complaint process easy and available to all
- treat all complaints seriously, adhering to our Equity, Diversity and Inclusion policy
- deal with complaints as sensitively as possible. Information will only be divulged if it is necessary to the investigation, and usually with the consent of the complainant
- issue an apology where a complaint is upheld, with an explanation of any action or learning
- where appropriate, collect and analyse complaints in relation to equity, diversity and inclusion (EDI) matters (children and young people only) to ensure we approach investigations with fairness and respect. EDI related complaints will be handled by a member of the Leadership Team (LT)
- comply with the Housing Ombudsman Complaints Code and the Data Protection Act 2018

4.0 Responsibilities

4.1 The Board of Trustees

- oversee the learning from complaints and compliance with the Complaints Code, through the Audit and Risk Committee and the annual complaints report
- agree a designated governance lead for complaints

4.2 The Extended Leadership Team (ELT),

- ensure that there is a system for monitoring complaints
- ensure complaint leads are responding to complaints appropriately and in line with the policy
- make themselves available if a complaint need to be escalated to a more senior representative

4.3 Head of Improvement and Impact

- updates the ELT regarding any performance issues with the complaints process
- shares learning from complaints with staff, residents and trustees
- liaises with complaint leads to ensure they are familiar with the procedure and have access to relevant training
- has responsibility for monitoring the implementation of this policy
- reports to the Audit and Risk Committee on complaints, and reports to the Board of Trustees in full annually

- identifies when a complaint is significant enough to warrant following the incident reporting policy and inform ELT and board as necessary

4.4 Quality Officer

- oversees the register of complaints received for quality assurance purposes,
- reviews data collected and ensures meaningful and relevant performance measures are reported
- ensures that records relating to complaints are kept securely and then destroyed safely in line with data protection legislation when no longer needed, see Data Protection and Information Handling policy
- ensures complaints are acknowledged and receive a formal written response within the timescales required to comply with the Housing Ombudsman Complaints Code
- allocates a manager to investigate a stage 1 complaint and a Head of service for a stage 2 complaint, unless Executive Team oversight is recommended

4.5 Managers

- seek to resolve each complaint fairly and within timescales set in this policy
- are aware of the impact that being complained about as an individual or as a service can have on staff and will offer support including reminding staff of the what is available via the Employee Assistance Programme
- to follow the procedure set out in appendix 3

4.6 All Staff and Volunteers

- ensure that any complaint received by them is dealt with according to the policy and procedure
- forward all complaints to complaints@ymcadlg.org if received in writing. If received verbally make full notes and then pass on to manager and complaints@ymcadlg.org

5.0 Complaints Process – overview

There are two stages to the complaints process see below, noting that if the complainant is a resident in one of our housing projects they can involve the Housing Ombudsman at any point, click here for more information: [The Housing Ombudsman's Complaint Handling Code \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

Stage 1: complainant receives a written response within 10 working days from the date the complaint is logged

Stage 2: the complaint is escalated when the complainant requests a review within 10 days of receiving the 1st stage response (if they are not satisfied with the outcome at stage 1). This will take place within 20 working days of the request being logged. The 2nd stage lead will always be a different person from the stage 1 lead.

Please see Appendix 1 for the full details of the complaints procedure for complainants.

6.0 Our Complaints Register

The electronic register will be securely stored. It is only accessed by those with responsibility for complaints monitoring and for Subject Access Requests (see Data Protection and Information Handling

policy). The postholders are:

- Head of Improvement and Impact
- Quality Officer
- Business Intelligence Analyst
- Head of Operations/Registered Service Manager for OFSTED registered Supported Accommodation
- Director of Services

The information held on the register will include details of the complaint(s), the investigating officer, dates of key progress, action taken in response, outcomes, learning, and EDI data (see 3.0).

7.0 Data Retention

We comply with the Data Protection Act 2018 in relation to keeping records of each complaint we receive. All records relating to complaints will be kept securely, with access restricted to the names mentioned in section 6.0 above.

Records relating to each case will be kept for six years after which they will be securely destroyed.

8.0 Relevant Policies and Documents:

- [Anti-Bullying and Harassment \(Clients\) policy](#)
- [Anti-Social Behaviour policy and procedure](#)
- [Code of Conduct](#)
- [Data Protection and Information Handling](#)
- [Disciplinary policy and procedure](#)
- [Equity, Diversity and Inclusion policy](#)
- [Grievance policy and procedure](#)
- [Information Sharing policy and procedure](#)
- [Managing Difficult and/or Challenging Situations policy](#)
- [Managing Poor Performance policy](#)
- [Social Media policy](#)
- [Whistleblowing policy](#)

Employee Assistance Programme 0800 028 0199 Quote HA247204

Please also refer to:

Appendix 1, Complaints Procedure
Appendix 2, Flow Chart
Appendix 3, Guidance for Complaints Leads
YMCA DLG's Complaints Leaflet

APPENDIX 1: Complaints Procedure for complainants

1.0 Aims of Procedure

This procedure has been developed to explain to you how you can make a complaint when you are a service user (for example a child, young person or adult in YMCA DLG services), member of the public, or other stakeholder.

Note: this procedure sits outside the process of appeal within supported accommodation projects, if you are querying an eviction, you must follow the appeal procedure.

At YMCA DLG we aim to:

- resolve complaints where they arise (locally, informally, quickly), wherever possible
- receive complaints in any format - hand-written, telephone, text, social media, email, web form and verbally
- make the complaint process easy and available to all
- treat all complaints seriously, adhering to YMCA DLG's Equity, Diversity and Inclusion policy
- deal with complaints as sensitively as possible. Information will only be divulged if it is necessary to the investigation, and usually with the consent of the complainant
- issue an apology where a complaint is upheld, with an explanation of any action or learning
- where appropriate, collect and analyse complaints in relation to equity, diversity and inclusion (EDI) matters (children and young people only) to ensure we approach investigations with fairness and respect. EDI related complaints will be handled by a member of the Leadership Team
- comply with the Housing Ombudsman Complaints Code and the Data Protection Act 2018

For us to investigate and respond to your complaint, the person who will look into your complaint will need to keep records and liaise with the complaints team at YMCA DLG.

2.0 How to raise a complaint

You can raise a complaint by:

- speaking to a member of staff, by phone or face to face
- writing a letter or email (email complaints@ymcadlg.org)
- asking someone else to raise a complaint on your behalf (although we will need permission from you to investigate)

If you are a resident living in a YMCA DLG accommodation project you can notify the Housing Ombudsman at any time in the complaints process [Residents | Social housing | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#).

2.1 Matters that will be excluded

Some matters will be excluded from being dealt with under the complaints procedure. Matters that may be excluded are:

- the issue occurred over twelve months ago (other than in exceptional circumstances)
- the issue is or has been subject to legal proceedings
- the element of the complaint relates to an insurance claim

- the complaint has been considered already
- the complaint is being pursued in an unreasonable way by the complainant

We will not investigate a complaint that is being dealt with under the procedure provided for in the Children Act 1989 and the Children Act 1989 Representations Procedure (England) Regulations 2006.

Disputes between individual children and young people/residents in YMCA DLG services or accommodation projects are not complaints and must be raised with a member of staff through house rules procedures.

If we decide not to accept a complaint, a detailed explanation will be provided to explain to you the reasons why the matter is not suitable for the complaints process.

If you are a resident you have the right to challenge a decision by raising your complaint with the Housing Ombudsman (see 2.0).

2.2 Complaints raised in an unreasonable way

We recognise that there may be other factors that can cause some people to appear unreasonable in their complaints - by 'unreasonable' we mean being abusive, harassing YMCA DLG staff in pursuing the complaint, or raising repeated unfounded complaints about YMCA DLG with other agencies.

We may decide not to investigate a complaint if it is being pursued in an unreasonable way, however we will take care to consider whether you have had access to appropriate support to make the complaint and opportunities to understand the process before deciding whether to exclude the complaint.

We may give you advance notice of the decision, and a chance to consider your approach to the complaint however sometimes we are not able to do so if the complaint involves threats or abuse.

Our Equity, Diversity and Inclusion Policy is cross referenced in our Complaints Policy so that staff can easily refer to it when making decisions on whether to refuse to accept a complaint because of unacceptable behaviour.

3.0 What happens when a complaint is first raised with us - Stage 1

We will acknowledge your complaint, in writing, as soon as possible (and no more than 5 working days from receipt). You will receive a written response within 10 working days (from the date the complaints team logged your complaint).

On most occasions we will contact you to talk to you to find out more and resolve your complaint; we will ask what you would like to happen as a result of your complaint. We will tell you about the next steps, and who will be leading on the complaint. At any point in making a complaint you can have someone accompany you and support you.

If it is going to take longer than 10 to respond we will let you know. If it is going to take more than 20 days we will seek your agreement to the new date. If we are unable to agreement a new resolution date and you are a resident in one of YMCA DLG's properties you can raise this with the Housing Ombudsman (see 2.0).

3.1 Investigating your complaint

Someone appropriate will be asked to investigate your complaint. This will normally be a manager, who may be connected to the project or service. If it is felt to be more appropriate it will be passed to a manager who is not connected to the project or service.

If the complaint is about a member of the team (for example staff member, volunteer, team) the member will be informed as to the nature of the complaint that has been made. No person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if considered appropriate.

The complaint lead will look at all evidence from anybody involved in the complaint. They will also talk to the relevant staff or volunteers involved. They are then responsible for writing to you with a formal response (see below).

In all cases we will ensure that any child or young person making a complaint is not subject to reprisals for making a complaint or representations and as set out in the Children Act 1989 procedure.

3.2 The outcome of the investigation

You will receive a formal and final written response within 10 working days from logging the complaint at Stage 1. This will tell you the outcome of the investigation. The letter will state:

- the nature of the complaint raised
- the nature of the investigation undertaken
- the conclusions reached by the complaint lead, for example whether we fully support, partially support, or don't support each of your points
- what action has been taken, or is being taken, to resolve the situation, put things right and to avoid such situations reoccurring
- any learning from the complaint
- a full apology (where applicable)

If you complained about a staff member they will also be informed of the outcome of the complaint, and may be provided with opportunities to improve (e.g. training or other support); however you may not be told of any formal action taken against a member of staff, for data protection reasons.

If a final written response cannot be sent within 10 working days we will notify you, explaining the reasons for the delay to you and when we will provide a final response. We aim to ensure that any extension will not exceed a further 10 days without good reason.

3.3 Withdrawing a Complaint

You can inform the complaint lead at any time that you want to withdraw a complaint. This will need to be in writing (letter or email).

It may be that despite repeated attempts we are unable to contact you, in which case the complaints team may deem the complaint is withdrawn and close it.

If a complaint is withdrawn at any stage any person that has been complained about will be informed.

HR and the investigating person may still investigate if they feel there is learning to be gained for the organisation, and that continuing with the investigation would help prevent any reoccurrence of a similar complaint.

3.4 If you are not happy with the outcome - Stage 2

If you are not happy with the outcome of the complaint you can request that someone else review your complaint. This must be done within 10 working days and should be requested in writing, you should say what your desired resolution would be and submit any additional information when requesting a review.

We will acknowledge your request (in 5 working days) and escalate the complaint to an appropriate person not connected to the original complaint. We aim to consider stage 2 complaints within 20 working days. If a final written response cannot be sent within 20 working days we will give you an extension date, explaining the reasons for the delay to you. We aim that any extension will not exceed a further 10 days without good reason and we will work with you to agree a further extension. If you are unhappy with our extension date, *and you are a resident*, you can challenge our timescales by contacting the Housing Ombudsman (see 2.0).

This is the final stage of our internal complaints procedure. See section 7.0 for further steps after this.

3.5 If you have a legal right for remedy and compensation

If the situation surrounding your complaint means you have a legal right for a remedy we may, subject to legal advice, offer you a resolution to your complaint where possible.

3.6 Access to the Housing Ombudsman Service for residents

Residents have a right to access the Housing Ombudsman Service, at any point throughout the life of a complaint.

4.0 Recording Complaints

All complaints that are raised are logged on a complaints register. The information held on the register will include details of the complaint(s), the investigating officer, dates of key progress, action taken in response, outcomes, learning, and EDI data (see policy section 3.0). Depending on the nature of the complaint we may also notify the HR Team.

The Head of Improvement and Impact has responsibility for the Complaints Register (see Complaints Policy). The register is how we monitor the number and types of complaints received. It is also a way to make sure we are following the procedure correctly. All emails and letters will be saved and stored securely. Only those named in section 6.0 of the Complaints Policy have access to the Complaints Register.

5.0 Information Sharing and Data Protection

Information on complaints will be kept for no longer than 6 years, in line with the organisation's Data Protection Policy.

YMCA DLG maybe required to share a summary of complaints to some external agencies, e.g. as part of an external quality accreditation such Trusted Charity Standard, where a funder requires statistics on complaints received or for Ofsted registration purposes. Summaries will be brief, and non-identifying and taken from the Complaints Register.

An annual complaints report is submitted to our Board of Trustees and published on our website, along with an annual self-assessment of complaint handling, in accordance with the Housing Ombudsman

YMCA

DOWNSLINK GROUP

Complaints Code. An anonymised summary of a complaint may be shared as evidence to support the annual report or annual self-assessment submission to the Housing Ombudsman.

6.0 External Advisers

If, after you have requested a review, you are still not satisfied, you can seek further advice or support from another agency. For example:

Housing Ombudsman info@housing-ombudsman.org.uk

(This is if your complaint is related to YMCA DLG accommodation provision *and* you are a resident in a YMCA DLG property).

Citizens Advice Bureau <https://www.citizensadvice.org.uk/>

The Charity Commission <https://www.gov.uk/complain-about-charity>

(NB: please see their website for information on what types of complaint they will act upon)

Fundraising Standards Board <http://www.frsb.org.uk/donors/>

If your complaint is about YMCA DLG fundraising activities or donation processes

APPENDIX 2: COMPLAINTS FLOW CHART □
1ST STAGE



2ND STAGE

Quality Officer/Head of Improvement and Impact must:

1. acknowledge the request within 5 days
2. state the name of the person whom the complaint will be reviewed by.

2nd stage complaint lead must:

1. Conduct a thorough investigation by examining correspondence relating to 1st stage and by talking to parties involved
2. See Appendix 3 for guidance
3. Prepare formal response using the template provided, asking for advice from Quality Officer/Head of Improvement and Impact before submitting response
4. **Note** formal response needs to be sent within 20 days unless a longer period has been explained to the complainant.

APPENDIX 3: COMPLAINTS PROCEDURE for complaint leads (staff)

If you are leading on a complaint you need to investigate the concerns raised thoroughly which may involve reviewing documents, case notes and speaking to staff and others involved. You must:

- Speak to the complainant and ensure you are clear on their complaint, and the outcomes they are seeking. You may be able to resolve their complaint or part of it quickly and you should not delay in delivering resolutions.
- prepare your findings in a formal response (templates provided) according to the timescales set in the policy (stage 1 is 10 working days, stage 2 is 20 working days)
- Advise the complainant they can have someone with them in any meeting or to support them in making the complaint
- be prepared to update the complainant along the way as to progress, clarifications or delays
- treat each complaint seriously, adhering to YMCA DLG's Equity, Diversity and Inclusion policy, flagging with an LT member if the complaint could be considered discriminatory related
- offer, or source, additional support for the complainant if they are struggling with the complaint process (e.g. the complainant is a child, young people or adult service users who has additional needs)
- deal with complaints as sensitively as possible. Information will only be divulged if it is necessary to the investigation, and usually with the consent of the complainant
- be prepared to issue an apology where things have gone wrong, with an explanation of any action or learning taken because of the complaint (templates can help with structure)
- where appropriate, collect and analyse complaints in relation to equity, diversity and inclusion (EDI) matters (children and young people only) to ensure we approach investigations with fairness and respect. EDI related complaints will be handled by a member of the Leadership Team
- Deal with complaints on their merits, act independently, and have an open mind
- Give the resident a fair chance to set out their position
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully.

You must send your draft written response to the Quality Officer or, in their absence, the Head of Improvement and Impact before you send it. This is to ensure that the letter is in line with the requirements of the Complaints Code, and to ensure that actions and learning, with deadlines, are clearly communicated. You do not have to wait until all the actions in the response have been completed. The response should be sent as soon as the action plan is agreed.

You are responsible for keeping the complainant up to date on the progress of your investigations. If genuine complications arise that are going to delay reaching your findings, you must inform the complainant and seek their agreement to new timescales.

Complaints related to another YMCA DLG staff member

If the complaint is about a member of staff you will need to liaise with the complaints team to make sure that the staff member, the People Team and/or their line manager are aware. Depending on the nature of the complaint there may also need to be ongoing liaison with the People Team.

The People Team will signpost the staff member for support as being the subject of a complaint is likely to be difficult for them. Signposting will include Health Shield, a Mental Health First Aid Champion, and/or Chaplaincy.

The outcome of the complaint

You must keep all the information and correspondence regarding the complaint secure, sharing everything with the complaints team for audit purposes. You must work closely with the Quality Officer, or Head of Improvement and Impact, to ensure that the response you write is within timescales, and in line with the policy and of a professional standard.

If you need to work with others in the organisation to achieve a review or agreement on an outcome, complaints leads should organise these discussions as part of finalising the outcome of a complaint.

You must use the template provided by the Complaints Team for your response. In formulating your written response, you will need to consider whether:

- changes are needed to how we do things, Including reconsidering or changing a decision if that is needed, or recommending a change to policy or procedure
- there is a potential risk to the work of YMCA DLG
- Apologising and acknowledging things have gone wrong, providing an explanation, assistance or reason
- Taking action if there has been a delay
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- there is a potential risk to YMCA DLG employees
- there is a potential risk to children and young people or other stakeholders

If any changes are recommended and agreed, you need to ensure all relevant staff are informed and told of any action that needs to be taken.