



## **WOCA Complaints Policy and Procedure**

**Approved by WOCA Committee: September 2022**  
**Date of next review: September 2025**

### **Policy Statements**

West Oxford Community Association (WOCA) is a small organisation, committed to operating with shared values and consensus.

We aim to provide a high quality experience to the people who make use of the community centre and the association's other services. We welcome feedback (both positive and negative) from people as this helps to improve the services we offer.

We recognise that it is very important for people to be able to complain, and that they feel safe in doing so. Any complaint will be treated as a serious matter and responded to appropriately. Any complaint should initially be made to the Centre Manager.

Most complaints can usually be resolved informally. We would aim to support an individual to reach a resolution of any cause of dissatisfaction quickly and appropriately.

The purpose of this complaints policy and procedure is to:

- Provide a formal means for feedback, both compliments and complaints, to be dealt with
- Ensure that everyone knows how to make a complaint
- Ensure that complaints are dealt with consistently, fairly and quickly
- Ensure that complaints are monitored and contribute to changes to improve our services
- Protect WOCA against persistent or vexatious complaints

Our policy covers complaints about:

- the standard of service you should expect from us
- the behaviour of our staff and volunteers in delivering that service
- any action, or lack of action, by our staff or others engaged on WOCA business

WOCA will:

- Listen carefully to complaints
- Wherever possible treat complaints as confidential
- Ensure that wherever possible, and except for reasons of legality or confidentiality, its management of complaints is open and transparent
- Ensure that any staff and volunteers named in a complaint are made fully aware of the support mechanisms available to them
- Record and store all information in accordance with the Data Protection Act
- Fully investigate the complaint quickly
- Write to the complainant with the results of the investigation, inform them of any actions implemented to prevent a re-occurrence and to tell them of any right of appeal
- Report to each Meeting of the Board of Trustees the number of compliments and complaints received, the findings of any investigations and actions taken

This Policy and Procedure does not replace any legal rights an individual or organisation may wish to explore.

## Definitions

A complaint is any expression of dissatisfaction by anyone using our services whether justified or not. An individual or other organisation may make a complaint if they feel that WOCA has:

- Failed to provide a service or an acceptable standard of service
- Delayed in providing a service
- Made a mistake in the way it has provided a service
- Provided an unfair service
- Failed to act in a proper way

## Legal issues

There may be occasions when we are required by law to refer a complaint to law enforcement or statutory agencies, or we are informed about a complaint by a law enforcement agency, solicitors or bodies with statutory powers of investigation. At all times legal, statutory or professional investigations will take primacy over the Complaints Policy and Procedure and we will not undertake any actions that may compromise any external investigations. In such cases:

- The Complaints Policy and Procedure will be initiated and the governing body may take such action to protect clients, users, or this organisation through suspension of a member or other volunteer until such a time as any legal procedures or investigations are completed to the satisfaction of the external agencies concerned. If the complaint involves a paid member of staff then the Disciplinary and/or Grievance Procedures will be used.
- Once immediate actions have been taken the Complaints policy will become suspended until such a time as any legal procedures or investigations are completed to the satisfaction of the external agencies concerned.
- We will keep full and accurate records of actions in respect of such a complaint.
- In situations where a complaint may have financial or legal consequences for this organisation, our insurers require us to cease direct contact with the complainant. It may then be necessary, in the best interests of the complainant, to refer them to a third party, both for assistance and to ensure that their service needs are met.

## Data Protection

To process a complaint WOCA will hold personal data about a complainant, which the individual provides and which other people give when investigating the complaint. We will hold this data securely and only use it to help to address the complaint. The identity of the person making the complaint will only be made known to those needing to consider the complaint and will not be revealed by WOCA to other people or made public. However, it may not be possible to preserve confidentiality in all circumstances, for example, where relevant legislation applies or allegations are made which involve the conduct of third parties.

Under the Freedom of Information Act 2000, individuals have a right to obtain a copy of their personal data. However, there are exceptions to this right. WOCA will normally destroy its complaints files in a secure manner 6 years after the complaint has been closed.

## Monitoring

Complaints are an important tool, which alongside other user feedback and evaluations will allow WOCA to learn about the services we provide. They provide a useful source of information about how individuals see our services and how we are serving them. To ensure that we learn from complaints the following information will be collected:

- Name and address of complainant
- Date complaint received
- Name of person dealing with the complaint
- Date of response to the complaint
- Nature of the complaint
- Action(s) taken recommendations made in response to the complaint (where appropriate)
- Lessons learnt

Complaints information will be considered on a regular basis and reported quarterly to the Board of Trustees. Wherever possible the information will be used to improve and develop services.

If WOCA receives a complaint about another member of the organisation the formal complaints procedure will be used and we will also carry out any actions in accordance with our Constitution.

## **Procedures**

### ***Informal Complaints***

If you have a complaint it is a good idea to talk to the people directly involved, to try to get the issue resolved. If you are not satisfied with the outcome of these informal discussions, then you can follow the formal complaints procedure.

### ***Formal Complaints***

#### *Help in making a formal complaint*

When making a formal complaint it is often useful to have an advocate. This person, of your choice, can support you to put your case effectively. They can be any person: for example a friend, a member of an advocacy organization, or anyone else you feel is appropriate.

#### *Putting the formal complaint in writing*

If your complaint cannot be resolved satisfactorily through dealing with it informally you need to put your complaint in writing. If necessary, and if you feel it is appropriate, someone at WOCA can advise you how to put your complaint in writing. The written complaint should be addressed to the Centre Manager, who will normally be the person investigating the complaint, and marked 'Private and Confidential'. Please include your name, a contact address and telephone number and the name of the organisation you represent, if appropriate. We cannot respond to anonymous complaints.

#### *What we will then do*

The Centre Manager, or in their absence a nominated trustee, will let you know within 3 working days who will deal with your complaint. If the complaint is about the Centre Manager, it will be investigated by a member of WOCA's Board of Trustees. If the complaint is about the Board of Trustees as a whole, it will be investigated by an independent person nominated by the Board, but outside of its organisational structure.

The Centre Manager must report the complaint to the designated Safeguarding Officer immediately, giving details of the circumstances (see *Safeguarding Issues* below). If the designated Safeguarding Officer is unavailable (or is the person against whom a complaint has been made) the Chair or in their absence Vice Chair of the Board of Trustees must be informed and they will ensure that the designated Safeguarding Officer is informed.

If any of the above (Chair, Vice Chair, Manager or the designated Safeguarding Officer) is the person against whom a complaint has been made they will be excluded from the processing of the complaint.

#### *Investigation*

The person nominated to deal with your complaint will contact you within 10 working days with written confirmation that your complaint has been received and that an investigation has begun.

They will then gain an initial account of what has occurred from all relevant parties, including the person (if any) against whom the allegation has been made. If this is not possible, contact will be made by telephone. If appropriate, they may convene a meeting between you and the person(s) involved in the complaint. The person dealing with your complaint may be able to resolve it quickly by way of an apology, by providing the service required or by providing an acceptable explanation. They will complete a 'Complaints Investigation Report' (see appendices) and send a copy of this to you.

If it is not possible to resolve the complaint quickly then the person leading the investigation will fully investigate the complaint by interviewing any relevant staff. We may seek advice from our insurers and/or from external advisers. If the investigation is likely to be time-consuming or complex, we may involve up to two other Board members. Notes will be taken of any interviews and the interviewees will receive a copy. The person investigating will list any evidence seen (e.g. files, E-mails etc.).

All parties involved in the investigation will be required to keep the matter private and confidential, except that staff may seek the advice of trades unions or other advisers if they consider that the WOCA Disciplinary and Grievance Procedure will need to be invoked. For example, the Manager or the Chair/Vice Chair will have the right to suspend from duty and/or the premises, any person who is the subject of the allegation until a full investigation has been

made in line with WOCA's Disciplinary Procedures. This action does not prejudice the outcome of the investigation of the complaint or imply in any way that the person suspended is responsible for, or is to blame for, any action leading up to the complaint. The purpose is to enable a full and proper investigation to be carried out in a professional and objective manner.

### *Report*

The person dealing with your complaint will report to the Board of Trustees on whether to uphold your complaint and on what action should be taken, if any. The Board of Trustees will then decide on the appropriate action to take.

You will receive a copy of our "Complaint Investigation Report" within 21 days of the complaint being received by the person nominated to deal with it. This will be in writing, unless you have requested that we use another medium. It will include a summary of what has been done to investigate the complaint and any proposed action to remedy the situation. Having received the report, you then need to indicate if you are satisfied with the outcome of the investigation or not.

If you are dissatisfied with the outcome, you need to inform the organisation of your intention to move to Appeal.

### **Appeal**

If you are not satisfied with the outcome, you can appeal against it, in writing, within two weeks of receiving the Complaint Investigation Report.

The appeal will be referred to an independent person nominated by the Board of Trustees, but outside of the organisational structure of WOCA (see *Independent Persons* below). The role of the independent person is to see if your complaint has been dealt with properly and fairly and whether an appropriate decision has been reached, not to re-investigate the complaint. Where the complaint is against a member of staff or volunteer, that person will be given the opportunity to submit a written statement to the independent person. This will be considered alongside the original complaint, the investigation report and any action suggested to remedy the situation.

You will be invited to meet with the independent person. You will be given at least 7 days' notice of the date, time and venue of the meeting and all reasonable efforts will be made to hold the meeting at a time convenient to you. You may bring someone to assist you, or to witness the meeting.

A written response about the outcome of this review will be made within four weeks to notify you of the decision and any actions to be taken to address the complaint. The independent person's decision will be final and no further correspondence will be entered into.

### *Safeguarding Issues*

In the event that issues of safeguarding are identified, it is the responsibility of the Safeguarding Officer to decide whether to inform Oxfordshire County Council Social Services, NHS Adult Mental Health Team (AMHT) and/or the local police, depending on the nature of the allegation. They may also have a legal duty to report the case to the Disclosure and Barring Service (DBS).

The Manager or his/her nominated deputy will ensure that the Chair of WOCA or in their absence the Vice-Chair, Secretary or Treasurer, is fully briefed. An agreed statement will be prepared for the purpose of accurate communication with external sources and for the protection of the legal position of all parties involved. The Manager or their nominated deputy will make a full written report of the incident and the actions taken. This report will be stored securely following the procedures detailed in the Data Protection and Data and Record Retention Policies.

### *Independent Persons*

Independent persons carrying out investigations will either be:

- Colleagues from partner organisations which have similar values and principles to West Oxford Community Association
- Representatives of funding organisations, or organisations which contract with West Oxford Community Association

The independent person does not have the power to make decisions. Their role is to investigate the complaint, or the complaint process, and report their recommendations to the Board of Trustees.

## **Publicising**

People making formal complaints have the option to publish a summary of the complaint, the recommendations following the investigation, and the Board of Trustees' decisions in the light of the investigation.

## **Persistent and vexatious complaints/complainants**

### **1. Unacceptable behaviour**

WOCA recognises that from time to time there will be people who repeatedly file persistent, trivial or vexatious complaints. Should this arise the complaint / complainant may be dealt with in a different way than that determined in the procedure in order to minimise the resources required to investigate the complaint.

Deviation from the procedure will only be acceptable if a complaint or the behaviour of the complainant is clearly unacceptable or trivial.

Examples of unacceptable behaviour include:

- aggressive or abusive behaviour
- persistent complaints about the same issue when that issue has previously been investigated and closed in accordance with this policy
- trivial or frivolous complaints that do not warrant action
- malicious or vexatious complaints that seek to discredit the organisation, trustees, employees or partner organisations

### **2. Managing unacceptable behaviour**

In line with its 'Step Away from Abuse' Policy, WOCA will not tolerate aggressive or abusive behaviour towards their employees, other service users/clients, members or employees of partner organisations.

In the event a member of staff feels they are being treated aggressively or abusively they should advise the complainant their behaviour is unacceptable and terminate any conversation or meeting and inform the Centre Manager of the situation.

The Centre Manager will determine what further action is appropriate.

### **3. Resolution**

WOCA will take all reasonable steps to investigate and resolve complaints in accordance with this complaints procedure, however, it reserves the right to decline investigation of complaints that are deemed unreasonable or trivial.

The decision to decline investigation into a complaint can only be taken by the Centre Manager after careful consideration of the circumstances.

Complainants will be notified in writing of any decision not to investigate a complaint that is considered to be unreasonable or trivial and the reasons for this decision.

The Board of Trustees will be notified of all decisions not to proceed with an investigation into a complaint and the circumstances.

## Appendix

### WOCA Complaints form

Name of complainant	
Name of your organisation (if relevant)	
Address	
Tel Number	
E-Mail	
Describe your complaint	
Date complaint made	
Signature of complainant	
<b>For Office Use</b>	
Date complaint received	
Name and signature of person receiving the complaint	
Date complainant notified of its receipt	
Name of person dealing with the complaint	

## WOCA Complaints investigation report

Name of person (s) investigating the complaint	
Position in the organisation	
Date complainant notified of its receipt	
Name of the person dealing with the complaint	
Outline of complaint	
Details of investigation: (paperwork looked, emails, interviews held etc.)	

### Outcome

Complaint upheld?

Yes

No

Reasons for decision	
Actions to be taken	
Date outcome with report sent to complainant	