



# Calderdale Valley of Sanctuary

**Calderdale Valley of Sanctuary**

**Complaints Policy**

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## **1. Introduction**

- 1.1 This organisation takes pride in offering a place of safety and sanctuary for all our beneficiaries. The Chair of Management Committee and staff work diligently to build positive relationships with beneficiaries and all stakeholders.
- 1.2 However, if beneficiaries or other stakeholders have a concern this policy sets out the procedure to be followed in such cases.
- 1.3 Calderdale Valley of Sanctuary is committed to developing a robust, transparent and reflective approach to remedy any identified concerns or complaints. There is a similar commitment to ensuring that the organisation is an exemplar of the very highest of standards.
- 1.4 Most issues raised are concerns rather than complaints. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A 'complaint', in contrast, may be defined as 'an expression of dissatisfaction, however made, about actions taken or about a lack of (appropriate) action'.
- 1.5 Both concerns and complaints (whether or not accorded formal status) will be dealt with by Calderdale Valley of Sanctuary in a sensitive, impartial and confidential manner. It is recognised that a concern may turn into a complaint if it is not addressed seriously or sensitively.
- 1.6 It is in the interest of all parties that both concerns and complaints are resolved at the earliest possible stage, and many issues will prove capable of informal resolution, without the need to resort to formal procedures.
- 1.7 Calderdale Valley of Sanctuary is committed to taking all concerns seriously as soon as they become aware of the problem and will endeavour to resolve such issues without necessarily instigating formal procedures. However, depending on the nature of the concern or complaint and the outcome of informal process, the complainant may wish to follow (or may be requested to follow) the organisation's formal complaints procedure, although compliance with any such request will be entirely at the discretion of the complainant.

## **2. Purpose and scope**

- 2.1 The primary aim of this policy is to resolve any concerns or complaints received from beneficiaries or other stakeholders as fairly and speedily, and as near to the point of origin, as possible.
- 2.2 It should be noted at the outset that any concerns or complaints submitted by members of staff should be dealt with under the organisation's grievance procedure. The remit of this policy is therefore limited to concerns or complaints emanating from an external source in relation to facilities or services provided by Calderdale Valley of Sanctuary.
- 2.3 For Calderdale Valley of Sanctuary to be able to investigate a complaint, it must be brought to the attention of the organisation within three months of the incident occurring or (should this be later) coming to light. If a complaint is not made within 3 months of the relevant incident occurring or coming to light it is unlikely to be investigated unless the circumstances are exceptional.
- 2.4 Similarly, escalation (to the next stage) of a concern or complaint is dependent upon the submission (within ten working days of receipt of a response from Calderdale Valley of

Sanctuary (whether verbal or in writing) to the informal (Stage 1) process or (in writing) to the formal (Stage 2) process) of written notification\* from the complainant of his or her continuing dissatisfaction. **If no such notification is received within this timescale the complaint shall be deemed to have lapsed and will not be investigated further.**

*\*if the complainant has a relevant disability the requirement for such notification to be in writing should be waived (and see also clause 7.8)*

- 2.5 All complainants should be made aware that publicising their complaint through social media or any other means of communication will be likely to prejudice any investigation and may make it impossible to explore their complaint further.

### **3. Structural considerations**

- 3.1 All organisations are expected to have a procedure for dealing with complaints relating to services which they provide (whether directly or indirectly, such as via a third party who makes use of their facilities).
- 3.2 The appropriate procedure should, wherever possible, comply with recommendations in offering (at least) three stages, which should include:
- an opportunity to resolve the complaint with the organisation on an informal basis (for example through discussion with a representative of Calderdale Valley of Sanctuary)
  - a formal complaint stage (should the complainant be dissatisfied with the response at the informal stage)
  - a formal appeal hearing (should the complainant be dissatisfied with the response at the formal stage) with a panel set up by the organisation, comprising up to three persons (normally Chair of Management Committee), none of whom has been directly involved in the matters detailed in the complaint.
- 3.3 Calderdale Valley of Sanctuary will always be mindful of the requirement to make special provision where the complainant may have particular needs or requirements due to disability or to limited facility in use of the English language.

### **4. 'Unreasonable' (serial or persistent) and anonymous complaints**

- 4.1 'Serial' or 'persistent' complaints are defined as those which are in pursuance of a desire to reopen a matter which has already been explored in accordance with this policy to the point where the final stage of the process has been concluded (see section 10).
- 4.2 Such complaints need not be responded to by the organisation (although care must be taken that these labels are not applied to the complainant in person: **they can only be applicable to** (the nature of) **the complaint itself**).
- 4.3 Before making a considered decision to stop responding to a complainant the organisation should consider whether:
- it has taken every reasonable step to address the complainant's needs
  - the complainant has been given a clear statement of the organisation's position and their options (if any)
  - the complainant is contacting the organisation repeatedly but making substantially the same points each time.
- 4.4 In this respect the organisation is significantly less likely to be open to criticism (for failing to respond) if:

- there is reason to believe the complainant is deliberately causing disruption or inconvenience
  - the complainant has been abusive or aggressive (whether in person or via either telephone or written communication)
  - the complainant has made insulting personal comments or has threatened staff.
- 4.5 Occasionally, organisations may become the focus of a campaign and receive large volumes of complaints which are either all related to the same subject or which emanate from complainants with no direct connection to the organisation. In such circumstances Calderdale Valley of Sanctuary reserves the right to respond by providing all complainants with a template response and/or by publishing a single response on the organisation's website.
- 4.6 In a similar manner, organisations may, having completed the complaints procedure in relation to a complaint submitted, subsequently receive a duplicated complaint (on the same subject) from a different source, not infrequently a family member. In such circumstances it is acceptable for the organisation to advise the complainant (in accordance with section 10) that the relevant complaints procedure has been completed and that no further action will be taken.
- 4.7 Anonymous complaints are incapable of being responded to in accordance with the organisation's policy (as the complainant clearly cannot engage in the process, or receive an appropriate response, if they have not been identified). However, anonymous complaints about matters which are deemed by the organisation to warrant investigation will be explored further if sufficient information has been provided to render this feasible.

## 5. Stages of process

5.1 The standard procedure of this policy consists of the following three stages:

- **Stage 1 (informal)**

in which a concern (or complaint) is raised with a staff member\* (and is hopefully resolved at that initial level).

*\*ideally the matter should be raised with the individual against whom the complaint is directed although provision is made for an alternative (normally senior) member of staff to be approached should this be felt appropriate*

- **Stage 2 (formal)**

in which the complainant submits an indication (normally in writing) that he or she remains dissatisfied with the outcome at the conclusion of Stage 1 at which point formal process is commenced and the complaint is reviewed by the Chair of Management Committee (or by a (nominated) trustee (see below) if the complaint is directed against the Chair of Management Committee).

- **Stage 3 (appeal)**

in which the complainant submits an indication (which, other than in extenuating circumstances, will be in writing) that he or she remains dissatisfied with the outcome at the conclusion of Stage 2 after which the complaint is heard by a complaints appeal panel drawn (normally) from the Chair of Management Committee.

## 6. Complaints against Calderdale Valley of Sanctuary staff members

- 6.1 Any complaints which have progressed beyond the informal stage and which relate to the conduct of members of staff will be handled in accordance with Calderdale Valley of Sanctuary's internal disciplinary procedures. This means that complaints against staff members are dealt with (under Stage 2) by the Chair of Management Committee (unless that individual is compromised by previous involvement in the matter, in which case the issue may be delegated to a trustee) and then, should the complaint progress to Stage 3, by an appeal panel formed in accordance with clause 3.2.
- 6.2 A modified procedure is applicable in instances where the complaint is directed specifically against the Chair of Management Committee. In the event of such an issue arising (and progressing beyond the informal stage) the complaint is initially dealt with (under Stage 2) by a suitably skilled (and impartial) nominated member of the Chair of Management Committee and then, should the complaint progress to Stage 3, by an appeal panel formed in accordance with clause 3.2. The remainder of this policy should therefore be interpreted in accordance with this principle by substituting 'nominated member of the Chair of Management Committee' for 'Chair of Management Committee' in instances where the latter is the subject of the complaint.

## **7. Stage 1 (informal) – raising a concern**

- 7.1 Concerns can be raised with Calderdale Valley of Sanctuary at any time and should generate an immediate response, which will often resolve the issue. Calderdale Valley of Sanctuary requests that beneficiaries make their first contact with the staff member concerned or, where this is not possible or is deemed inappropriate, with the Chair of Management Committee.
- 7.2 The recipient of the concern may be able to respond immediately. However, on some occasions the concern raised may require investigation, or discussion with others, in which case Calderdale Valley of Sanctuary will endeavour to provide an informal response (which may be either verbal or written) within two working days. It is anticipated that most concerns will be satisfactorily dealt with in this manner.
- 7.3 However, if the complainant is not satisfied with the outcome at the completion of Stage 1, they are entitled to progress their concern to the status of an official complaint and to advance to the next stage of the process.
- 7.4 At this juncture (if not before) they should be provided with a copy of Calderdale Valley of Sanctuary's complaints policy.
- 7.5 The complainant should also be requested, at this point, to complete an official complaint form (Appendix 1) which should be returned to the Chair of Management Committee within ten working days of the complainant receiving an initial response (whether verbal or written). The official complaint form should, ideally, present an opportunity to communicate the complainant's expectations as to how their complaint might best be satisfactorily resolved.
- 7.6 On receipt of the official complaint form, the complaint will be logged by Calderdale Valley of Sanctuary, including the date of receipt. Calderdale Valley of Sanctuary will then progress the complaint to the next (formal) stage.
- 7.7 Organisations cannot insist on the complainant completing an official complaint form. If Calderdale Valley of Sanctuary is in receipt of a notification (this is interpreted to include not only email but also verbal communication – see following clause) which could reasonably be regarded as constituting an official complaint, it is still under an obligation to treat this seriously. Calderdale Valley of Sanctuary must record the communication and

respond appropriately, including escalating the matter to the formal process if it becomes clear that the complainant remains dissatisfied by informal attempts to reach a resolution.

- 7.8 Organisations must ensure, throughout the process, that they comply with their obligations under the Equality Act 2010. Although it is common practice to ask for complaints to be made in writing (ideally by completion of an official complaint form) it is possible that the complainant may have different communication preferences due to disability or learning difficulties or unfamiliarity with the English language (etc) and where this is of relevance organisations must allow alternative methods of contact.

## **8. Stage 2 (formal) – dealing with complaints**

- 8.1 If the matter has not been resolved at Stage 1, as evidenced by receipt of further communication from the complainant to this effect, the Chair of Management Committee will review the complaint by considering all relevant written material and by discussion with the appropriate member(s) of staff and/or the complainant.
- 8.2 The aim will be to resolve the matter as quickly as possible and an appropriate response will normally be in writing, in which event it should be despatched within five working days of the written complaint having been received.
- 8.3 Calderdale Valley of Sanctuary may wish to extend to the complainant an opportunity to meet with the person appointed to deal with the complaint in order to explore the matter further (unless there are circumstances where it is felt that this might place any party at risk).
- 8.4 Any such meeting will normally take place within five working days of the written complaint having been received, and an appropriate response in writing should then be provided within a further five working days, but the timescale may be extended if, as may be the case, this meeting cannot reasonably be arranged within this period.
- 8.5 However, if the complainant remains dissatisfied with the outcome at the completion of Stage 2, they are entitled to progress their complaint to the next stage and should write\* to the chair of Chair of Management Committee within ten working days of receipt of said correspondence to confirm that the complaint has not yet been resolved to their satisfaction.

*\*if the complainant has a relevant disability the requirement for notification to be in writing should be waived (and see also clause 7.8)*

- 8.6 As previously, any such communication will be logged by Calderdale Valley of Sanctuary, including the date of receipt. Calderdale Valley of Sanctuary will then progress the complaint to the next (appeal) stage.

## **9. Stage 3 (appeal) – trustee panel process**

- 9.1 If the matter has not been resolved at Stage 2, as evidenced by receipt of further communication from the complainant to this effect, the chair of Chair of Management Committee will then convene a panel for an appeal hearing.
- 9.2 The appeal hearing will consider the complaint afresh (as opposed to merely considering the handling of the complaint at earlier stages) to ensure that there is always a mechanism in place whereby decisions are considered independently and are not taken in isolation.

- 9.3 The panel for the appeal hearing will comprise up to three persons (normally Chair of Management Committee), none of whom has been directly involved in the matters detailed in the complaint.
- 9.4 The appeal panel should, whenever possible, meet within a maximum of ten working days of receipt of said communication. Both the complainant and the Chair of Management Committee representing Calderdale Valley of Sanctuary) are invited to attend the appeal hearing and all parties (including members of the panel) should be issued with relevant documentation (anything on record which it is anticipated will be referred to in the hearing) no less than five working days in advance of the hearing.
- 9.5 If the Chair of Management Committee is aware of the substance of a complaint before the final stage has been completed, Calderdale Valley of Sanctuary should arrange for a wholly independent panel to hear the complaint, and in such instances they may approach a related, or comparable, organisation to ask for assistance in constituting an appeal panel.
- 9.6 Complainants may request an independent panel if they believe there is likely to be bias in the proceedings. Organisations should consider such requests but any decision to have recourse to an independent panel is entirely at the discretion of members of the board of Chair of Management Committee.
- 9.7 The letter of invitation to the appeal hearing should state that due consideration will be given to any relevant disabilities which might affect the complainant's ability to attend or partake in the hearing, such as communication issues or impairment of mobility.
- 9.8 The letter of invitation will also make clear that the complainant may (if unwilling or unable to attend the appeal hearing in person) elect to submit a written statement for consideration by the panel in their absence.
- 9.9 Calderdale Valley of Sanctuary may also, at their discretion, extend to the complainant the right to be accompanied in a panel hearing, although this right will be restricted to a relative or friend of the complainant, rather than a legal (or media) representative.
- 9.10 The letter of invitation should additionally make clear that if the complainant fails to respond by confirming their intention (either to attend the hearing or to elect to have the complaint heard in their absence) the complaint will not be investigated further in which event the process will cease at this point.
- 9.11 The appeal hearing will be held within Calderdale Valley of Sanctuary (unless a suitable alternative venue is agreed by all parties) and will be minuted (normally by the clerk to Chair of Management Committee). The panel chair should conduct the hearing in accordance with the guidance set out in Appendix 3.
- 9.12 The aim of the appeal panel hearing is to resolve the complaint impartially and to achieve reconciliation between Calderdale Valley of Sanctuary and the complainant. All parties will be notified in writing of the panel's decision within five working days of the date of the hearing.
- 9.13 This stage is the last stage of the complaints procedure and the decision of the appeal panel is final.

## **10. Complaints unresolved at conclusion of process**

- 10.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant attempts to reopen the same issue

following the appeal panel hearing, the chair of Chair of Management Committee should inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Appendix 1: Calderdale Valley of Sanctuary Complaint Form

Please complete and return to the Chair of Management Committee, who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Beneficiary's name (if different):**

**Your relationship to the beneficiary (if applicable):**

**Address:**

**Postcode:**

**Telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint?  
(Who did you speak to and what was the response?)**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## Appendix 2: Guidance for staff investigating a complaint

It is suggested that, at each stage, the person investigating the complaint\* makes sure that they:

- establish **what** has happened so far, and **who** has been involved
- take details of the complaint to clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or if further information is necessary)
- clarify what the complainant feels would put things right
- interview all persons identified by the complainant as being relevant to the matter (and any others deemed appropriate) allowing them to be accompanied if they wish
- conduct such interviews with an open mind and be prepared to persist in the questioning if felt necessary or appropriate
- keep notes of all interviews undertaken.

An appointment to discuss the issue, if deemed appropriate, should normally be offered as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. Complaints need to be considered and resolved as quickly and efficiently as possible; however, where further investigation is necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for any consequent delay.

It is appropriate to consider ways in which a complaint could be resolved at each individual stage of the procedure, and it may be instructive to encourage complainants to state what actions they feel might resolve the problem at any stage.

It may be sufficient to acknowledge that the complaint is valid in whole or in part and, in addition, it may be appropriate to offer one or more of the following:

- an explanation
- an apology
- an assurance that the event complained of will not happen again
- an explanation of the steps that have been taken<sup>†</sup> to ensure that there will be no recurrence
- an undertaking to review organisation policies and/or procedures in the light of the complaint and, if found appropriate, to modify practice and protocols accordingly
- an admission that the situation could (or should) have been handled differently, or better (this is not the same as an admission of negligence).

An effective complaints procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a more positive atmosphere in which to discuss any outstanding issues.

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\*Ideally, all staff investigating a complaint will have received (through CPD) appropriate instruction on how to conduct an enquiry and respond to the complainant in an appropriate manner.

<sup>†</sup>If a complaint is upheld which does lead to disciplinary action being taken against a member of staff, such detailed information cannot be divulged to the complainant – the latter should merely be informed that ‘**appropriate management action has been taken**’.



### **Appendix 3: Guidance for board of Chair of Management Committee complaints appeal panel hearing**

The complaints appeal panel will consist of up to three persons with no previous involvement in the case.

Normally the panel will be chaired by the chair of Chair of Management Committee although another trustee may be nominated to lead the process (and this may be necessary when the complaint is directed against the Chair of Management Committee).

It is important that the appeal hearing is independent and impartial. No individual may sit on the appeal panel if they have had prior involvement in the complaint or in the circumstances surrounding it.

The aim of the hearing, which should be held in private, is to resolve the complaint and achieve reconciliation between Calderdale Valley of Sanctuary and the complainant. However, it must be recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and to make recommendations which will satisfy the complainant that his or her complaint has been addressed seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Complainants often feel emotional when discussing an issue that affects them or a person close to them. The complainant may, should they wish, be accompanied at the hearing. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

#### **The role of the clerk to Chair of Management Committee:**

The clerk is the contact point for the complainant and is required to:

- ensure that members of the panel should have no detailed prior knowledge of the complaint
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- ensure that the letter inviting the complainant to attend should indicate that they may be accompanied by a friend or relative
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings, listing who is present, and should make everyone aware of the confidential nature of the process
- notify all parties (following conclusion of the hearing) of the panel's decision

#### **At the meeting:**

- the panel will consist of up of three persons, who are normally accompanied by a clerk
- although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and the complainant put at ease – the complainant may, should they wish, be accompanied at the hearing
- the chair of the panel should open the meeting, introducing panel members and stating the purpose and the format of the meeting to clarify this to all in attendance

- the chair should note that the meeting will be minuted and that its outcome will be final, whilst indicating that a written record of the complaint and its outcome will be forwarded to the complainant
- the chair should clarify the panel's position in relation to recording the hearing, and emphasise that covert recording is not permissible
- other persons present should introduce themselves stating their reason for being at the meeting
- the chair of the panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why he or she feels the issue has not yet been resolved
- the panel members can ask questions to make sure they understand the issue from the complainant's point of view
- the chair of the panel should request a verbal statement from the Chair of Management Committee (or his or her representative) in support of his or her written account of the complaint and the steps taken in an attempt to resolve the issue
- the panel members can ask questions to make sure they understand the issue from the Chair of Management Committee's point of view
- members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that may still not be clear to them
- the chair of the panel must ask the complainant and the Chair of Management Committee (or his or her representative) if they are satisfied that they have provided all the information they wanted to present or if there is something they wish to add and if they feel they have had a fair hearing
- when the panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk

#### **After the meeting:**

- the panel members will need to consider the information presented in order to come to a decision and suggest a way to resolve the issue, taking into full account the best interests of the complainant and any other beneficiary involved
- the panel members will discuss the issues in private and the clerk will remain to record their decision
- the panel can decide to:
  - dismiss the complaint in whole or in part
  - uphold the complaint in whole or in part
  - decide on any appropriate action to be taken to resolve the complaint
  - recommend changes to the organisation's systems or procedures to ensure that problems of a similar nature do not recur
- once the panel have reached a determination the clerk will inform everyone concerned in writing as soon as possible but in any event within five working days of the panel meeting
- the outcome letter will also make clear that, as long as the correct procedure has been followed, the decision of the panel will be final
- a record must be kept of the outcome of the hearing
- written records of complaints will be maintained and reported annually to Chair of Management Committee