

COMPLAINTS HANDLING PROCEDURE

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1. Introduction

Complaints provide valuable information that, acted upon effectively, can enhance satisfaction across the charity: for our volunteers, suppliers, partners and, of course, our clients.

Addressing dissatisfaction responsibly may also prevent the same problems that led to complaint from happening again.

Complaints provide a first-hand account of the views and experience of those who access services and can highlight problems we may otherwise miss. We offer appropriate forms of redress if things go wrong and refine services accordingly.

Resolving complaints early saves money and improves relations while creating positive wider perceptions. A complaint also provides us with opportunity to learn how to do things better.

Sorting complaints out as close to the point of service delivery as possible means we can deal with them quickly, thus less likely to escalate to the next stage of the procedure. If not resolved swiftly, complaints can adversely impact workload and harm public perception of the charity.

By conducting thorough and fair investigations of complaints, where appropriate, we can make evidence-based decisions on the facts of a case.

A standardised approach to handling complaints across the charity aligns with Charity Commission guidance on complaints handling. The procedure aims to help us ‘get it right first time’. We want simple, streamlined complaints handling with early resolution by capable, well-trained personnel.

2. Purpose of a complaints policy

People who use our services, their representatives and those we deal with to enable services have a right to complain about how we perform them. Providing a clear and easily accessible complaints procedure is an integral part of our duties and governance. It ensures that the interests of people who use our services are at the heart of all we do.

2.1 Principles

We take complaints with utmost seriousness and are committed to handling them professionally. Our complaints handling procedure aligns with our values: principles of trust, transparency and creating peace of mind. The charity commits to:

- Ensure that it is easy to access
- Make it easily understood and available to all
- Include the needs of vulnerable people and minority groups
- Put the complainant at the heart of our complaint handling process
- Listen to, respects and treats complainants with dignity
- Ensure complainants feel supported in bringing a complaint to us
- Observe complainant confidentiality where appropriate.
- Acknowledge the complaint within three (3) working days and to try to resolve it at local level, where possible
- Clarify the outcome that the complainant wants at the outset
- Keep complainants informed where timescales cannot be met for good reasons and to give a revised date

- Keep the process simple and timely with as few stages as possible, completing investigations, where possible, within 20 working days of agreeing the matters for complaint
- Clearly describe our remit and the roles and responsibilities of personnel
- Be thorough, proportionate and consistent
- Investigate and resolve a complaint proportionately and appropriate to the circumstances of the case
- Be consistent in investigations, outcomes and actions from one complaint to another whilst being flexible in considering the needs of the individual complainant
- Be impartial and fair and objective, with conclusions based on the facts and evidence
- Be professional and accountable
- Address any unacceptable actions or behaviour
- Carry out a formal investigation when necessary and ensure that a further internal review is available if the complainant is still dissatisfied
- Take appropriate action if the complaint is upheld
- Undertake improvements by using information about and arising from a complaint to assess risk, measure performance, identify trends, highlight problems, demonstrate improvement and share best practice
- Refer matters outside of our remit, or which should be dealt with by an appropriate body or regulator, for independent investigation
- Make information about complaint outcomes publicly available on our website.

2.2 What is a complaint?

A complaint is an expression of dissatisfaction about:

- Action(s) or lack of action(s); or
- The standard of provision by, or on behalf of, the charity.

2.3 Who can make a complaint?

Anyone can make a complaint, including:

- Anyone using our services directly, or their representative(s);
- Anyone dissatisfied with a third-party service accessed via our charity.

Complainants may ask anyone to advise them about how to make a complaint and to be an advocate for them during a complaint investigation. We will help complainants to make a complaint and will offer advice and guidance on how to use our procedure. Where a complainant needs independent help to make their complaint, an independent advocacy service may be able to help. More information about advocacy can be found online or via local sources such as libraries, councils and health-related practices, e.g. GP, etc.

2.4 When you can make a complaint – time limits

You should make a complaint as soon as you are aware of an issue or concern. This should help reach a quick resolution.

However, we recognise that this is not always possible, so we will consider complaints up to six months after the cause of the complaint occurred.

We will not investigate complaints about events that are more than six months old, except in exceptional circumstances.

Anyone asking us to investigate a matter that occurred more than six months previously will need to clearly explain reasons for not raising this with us within that timescale. The passage of time may prevent a full and fair investigation.

Even where a complainant has given good reason for not bringing it to our attention sooner, we still have to consider the practicality of investigating long past incidents and capacity to determine a meaningful outcome before we agree to it.

2.5 How to make a complaint

You can make a complaint by:

- Phone
- Email
- Using our website
- Letter

Contact details are shown on the footer, our website and also listed in Appendix B.

2.6 What we can investigate about services

We make sure that all third-party services accessible through our charity have a clear and easily available complaints procedure as a condition of their partnership agreement with us. We encourage complainants to raise their concerns with the third-party provider in the first instance, if possible.

This is because issues can be addressed directly by them, within a shorter period of time. However, anyone may complain directly to the provider or to us, or to both.

At the start of the complaints process, we will agree with the complainant each aspect of the complaint that we will investigate. As examples, complaint aspects could relate to:

- The quality of instruction provided during a cycle-safety session
- The approach taken by a therapeutic practitioner during 1:1 counselling
- Vocational-related e-learning materials
- An incident at an event within our control that may have adversely affected the ability of authorised personnel to meet a person's support needs
- An individual's unprofessional attitude.

2.7 What we cannot investigate about services

If the complaint subject is not within our remit or is better dealt with by another organisation, we will advise the complainant and either contact the other organisation ourselves or, tell the complainant how they can get in touch with the relevant organisation.

If we refer the complaint to a professional association, such as an Accredited Register, or a public body such as a local authority social work department or the Police, we will keep a record of this and work closely with them where appropriate. However, we will not be held responsible for actions that the other body takes.

Examples of complaints we cannot investigate:

- A complaint following the death of a person, where the complainant or representative wants to establish whether poor service provision had been a causal factor in the death. *We could not investigate this, as a doctor is responsible for determining the cause of death. In such circumstances we would be restricted to investigating any complaint about the standards of support provided but would not include an opinion on the extent to which this may have been implicated in the fatality.*
- A complaint about an individual employee's employment contract or such contract held by a third-party employee or Agreement held between ourselves and a third-party provider accessed through our charity. *We will however investigate complaints that relate to employment procedures and practices, for example recruitment and training.*

- Adult protection issues
These will be referred to the relevant local authority and/or the police.
- Pricing policy of a third-party provider
- A complaint about social work support that a client continues to access during enrolment with our charity
The responsibility for assessing individual social care needs remains with local authorities, the applicable NHS Trust and any relevant organisations commissioned by the local authority/NHS Trust.
- We will not investigate a complaint (or progress one already underway) made by people who are (or are subsequently) deemed vexatious.

3. Special cases or circumstances

3.1 Liaison with professional, regulatory and public bodies

As organisational members, we partner with the following:

- National Counselling Society
- Mindful Employer (Devon PCT)
- Association of Cycle Traders

We have formal working agreements with these organisations to share appropriate information on matters of joint interest, such as complaints.

Although other organisations may have an interest in complaints concerning our services, such as service providers, we have primary responsibility on all matters relating to complaints concerning enrolled clients.

Where a complaint raises matters that are suitable for, or require, joint working, we will let the complainant and the provider know about this and keep them informed.

Where a complainant raises matters about the competency of personnel who must be registered or must be otherwise compliant with overarching requirements, we will redirect the complainant to the relevant professional, regulatory and/or public bodies.

3.2 Investigation by other authorities and/or suspension of complaints handling activity

When a complaint contains aspects that another organisation will have an interest in and they propose to investigate the same issues, we will work with them to agree how the matter should be handled, by whom and within what timescales.

We will notify the complainant whereby both (or multiple) investigations run concurrently, or we may suspend our own investigation while the other organisation(s) continues with theirs.

Where we consider that our role in an investigation is secondary (for example, when the police or another regulatory or statutory body are investigating a matter), we may await their findings before deciding what action to take. However, where we are concerned that other people using a service are being affected, we can agree with the other body what we can do to protect the interests of people using services.

If we do suspend an investigation we will inform the complainant of the reasons why and will advise how long the suspension may continue.

We will notify all other relevant bodies immediately when we receive a complaint that concerns any of the following:

- Allegations of abuse or neglect of clients or service providers
- Conduct which may be a criminal offence
- Serious malpractice
- Circumstances that indicate a present or potential risk to the health or welfare of clients and service providers.

We will also tell these authorities the action we propose to take or that we have already taken.

Relevant authorities may include:

- The police
- Local authorities
- Health boards
- The Health and Safety Executive
- The Charities Commission
- The Information Commissioner's Office
- Companies House

Our investigation will consider the views of any other organisation that has an interest and, where relevant, we are obliged to notify our insurers.

3.3 Anonymous complaints

We accept anonymous complaints, i.e. when a complainant does not wish to disclose his or her identity to us.

We consider such complaints as valid, as they may give an early warning of unacceptable or dangerous practice, which might otherwise continue.

We assess each anonymous complaint, although we will only investigate if we think that there may be substance to the complaint and that investigation is likely to be in the best interests of people using or providing services. With anonymous complaints, full investigation may not be possible. Because of this, we may be unable to reach a final decision.

Where possible, we will tell the complainant about this limitation at the time that they make the complaint (for example, if made by telephone). We may also be unable to contact the complainant later, for more information or to tell them the outcome of any investigation that takes place.

3.4 Confidential complaints

Where possible, we will respect the wishes of complainants who identify themselves to us, but whom ask for their identity to remain anonymous to us and/or our third-party service provider throughout the investigation.

However, there will be exceptions to this. For example, where it appears that a criminal offence may have been committed we will pass any relevant information to the police to investigate. If this is the case, we will tell the complainant.

4. The complaint handling procedure

We aim to provide a quick, simple and streamlined process for complaint handling. Our policy is to encourage complainants to raise matters of concern in the first instance with us if the matter relates to direct service provision, or with our third-party provider if relevant, or both.

When our complaints procedure has been fully exhausted but a complainant is still not satisfied, they are entitled to complain to the Charities Commission and, where relevant, to a local authority Trading Standards Office or the ICO or a commissioning body such as an NHS Trust if the matter relates to contract delivery.

4.1 Stages of the Complaints Procedure

The procedure involves three stages following initial contact.

Initial contact is the point where we make all reasonable efforts to fully understand the complainant's concerns and to clarify the outcome they are looking for.

Complaints will generally be addressed at local level by the third-party provider, or internally, by the Charity's Wellbeing Officer.



However, any member of our team could potentially be the first point of contact for a complainant and where possible, they can attempt to resolve a complaint there and then.

All personnel are aware of our complaints procedure and have authority to resolve complaints if they can.

4.2 Early informal resolution (Stage 1)

For complaints about third-party provision, we will encourage complainants to raise their complaint with that organisation/individual in the first instance. All our providers must have a complaints procedure in place and record any complaint made by a person using, accessing a service offered by or via the charity. Where a complainant is happy to raise the matter directly with the provider, we will not investigate matters further at the time unless the complainant advises us that their complaint has not been resolved satisfactorily. At that point we will consider implementing our formal complaint investigation procedure.

4.3 Formal investigation (Stage 2)

Not all complaints are suitable for informal resolution and not all complaints will be satisfactorily resolved at this stage. The formal investigation stage is for complaints that are either unsuitable for, or have not been resolved at informal stage.

The Chief Executive of the charity handles complaints at the formal investigation stage. Following the decision by the Wellbeing Officer to formally investigate, the Chief Executive will oversee the investigation and be the key point of contact for the complainant from then on and will contact the complainant to confirm this. The Chief Executive will then contact the complainant to explore the detail of the complaint and agree what is to be investigated. The Chief Executive will then conduct the investigation and draft a report on findings. The Wellbeing Officer and Chief Executive will then jointly agree the complaint outcome letter before it is issued and also report findings to the trustees, including the Chair of the Charity.

With regard to timescale for investigation, all complaints will be acknowledged in writing within three working days – or immediately if the complaint is submitted to our website. We aim to provide a response within 20 working days from the time the matters for investigation were agreed with the complainant.

During the investigation stage, we will be aiming to 'get it right first time'.

We aim to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response. If the response is delayed for good reason, we will tell the complainant why, and provide a revised completion date.

4.4 Review process (Stage 3)

You may ask us to review our decisions if you believe we have made a mistake. We will liaise with you and those you have complained about to make sure that the facts are accurate. However, it is for us to interpret facts and the available evidence and come to a judgement. The grounds on which you can ask us to review our decision on your case are limited. We will not accept a request for a review on the basis that you simply disagree with the outcome of your case.

You may ask for a review if you consider that:

- We made our decision based on important evidence that contained inaccuracies and you can show this using readily available information; and/or
- You have new and relevant information that was not previously available about the complaint investigated and which affects the decision we made.

If you send us new and relevant information, please tell us if the organisation or people you complained about have been given the opportunity to consider the information and, if possible, please include their updated response to that. If the new information you have changes the focus of the complaint we investigated or introduces a new part to the complaint, we may need to start a new investigation.

In such event, you should use a 'review request' form. We will send you a copy along with your complaint resolution letter.

You should contact us within 21 days (three weeks) of the date of our letter to you explaining the outcome our investigation into your complaint. We will contact you to confirm we have received your review request form and paperwork within three (3) working days of receiving it, and inform you if your request is eligible for a review based on the above grounds.



If eligible for review, your concerns will be considered by senior managers who are independent of your original complaint. We aim to provide a full response within 20 working days of examining your request for a review. We will let you know whether we will uphold our original decision, reopen your complaint or overturn the original outcome.

We take the outcomes of reviews very seriously. They help us to improve the way we investigate complaints and to take other appropriate action as necessary. Our aim is that our review process and response, together with our quality assurance approach, will demonstrate commitment to quality and continuous service improvement.

If you are still unhappy, and want to challenge our decision again, you can consider seeking and independent external review. The Charities Commission can look at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.

The Charities Commission cannot normally look at a complaint:

- Where you have not gone all the way through an organisation's complaints handling procedure
- More than 12 months after you became aware of the matter you want to complain about, or
- That was or is being considered in court.

5. Outcomes of complaints

We make a decision on each case by taking into account all the available facts, evidence and assessment of the circumstances. We consider carefully the views and opinions of the person making the complaint and those being complained about. We use the term 'aspect' to describe any separate allegations or parts of the complaint that we have agreed we will investigate. We will apply one of the following two outcomes to each complaint aspect:

- Upheld: used where our investigation has established the facts giving rise to a complaint; or
- Not upheld: used where our investigation has not established the facts giving rise to a complaint.

5.1 Correcting factual errors within complaint outcome letters

We are committed to ensuring accurate information at all stages of service provision including complaint handling. However, where factual inaccuracies are confirmed within a complaint outcome letter, we will amend it.

5.2 Action we may take following a complaint

Where a complaint is upheld, any action we take will be based on the professional assessment of the Charity's Wellbeing Officer, the Chief Executive and the Board of Trustees. The action may be determined by the seriousness of what we found during our investigation and the impact on people using the service. As examples, we may:

- Suspend individual personnel from duties
- Terminate the contract of those involved
- Make recommendations as to how a service might improve
- Specify requirements to deliver the necessary improvements
- Require a third-party service provider to implement an action plan to demonstrate how and when the service will improve
- Re-grade a provider, serving a formal improvement notice, which, if not acted upon, could result in us varying or imposing additional conditions in the provider's Service Level Agreement with us, or terminating it.

6. Monitoring complaints

Our Chief Executive is responsible for ensuring that our Complaints Procedure is effective and that our approach is consistent and fair. Because of this we will record and monitor all complaints and outcomes and, in our public Annual Report each year, we will report on:

- The number and type of complaints
- Geographic location of complaints
- Third-party service providers accessed through our charity involved in complaints
- The nature of investigations and the time taken to conclude
- Any national trends identified by provider and geographical area
- The number of requests for reviews.

We do not publish full reports of complaints investigations, but we will publish a summary of 'upheld' complaints on our website.

7. Managing complainants' expectations

We aim to investigate complaints in an impartial and fair way. We believe that complainants have a right to be heard, understood and respected and we aim to be as open and accessible as we can. Occasionally, the behaviour or actions of complainants makes it very difficult for us to deal with their complaint.

Examples of behaviour that may be considered unacceptable include:

- Persistent refusal to accept a decision made relating to a complaint
- Persistent refusal to accept explanations relating to what can or cannot be done about the complaint
- Continuing to pursue a complaint without presenting any new information
- Subjecting our personnel to behaviour that is offensive or unreasonably demanding.

In isolated instances, these and other actions become unacceptable because they involve abuse of our personnel or our process. When this happens we consider the impact of the actions on our ability to do our work, provide services to others and to protect our staff, volunteers and others associated with the Charity. In these cases we will take appropriate action.

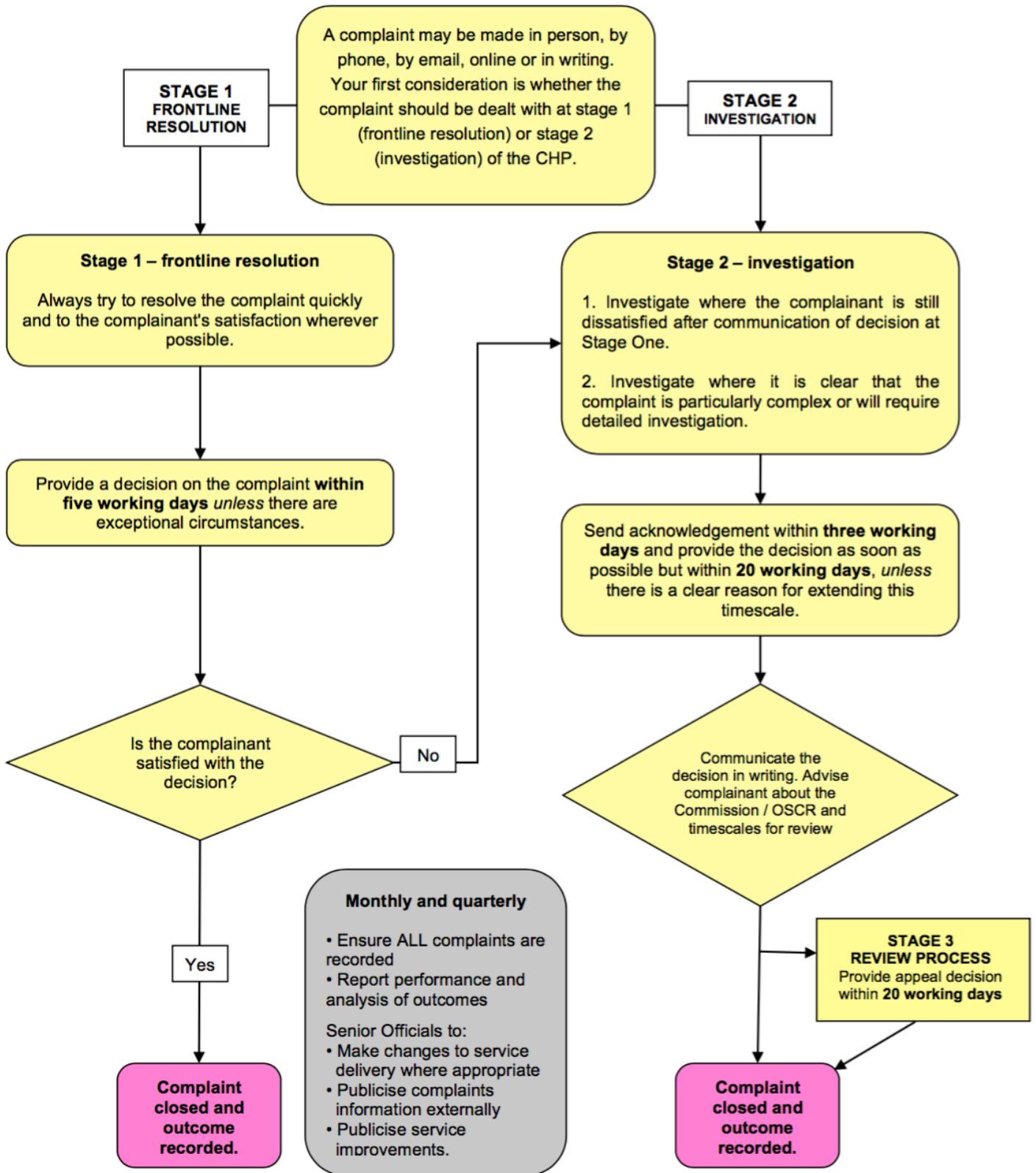
We have a zero tolerance approach to any violence or abuse towards our personnel. The approach we take in these situations is detailed in our Unacceptable Actions Policy.

8. Speaking with people during investigation

We recognise it is good practice to offer interviewees the opportunity to have someone with them during interview and we are keen to support this. However, it is at the discretion of the Charity as to whether we agree to the presence or involvement of a particular person or not.

For example, we can object if we deem the proposed individual a risk to compromising the investigation or if it causes unnecessary delay. Such person should be supportive of the interviewee and not representing either their own interests or that of any other person or organisation. Where we object to a particular person being involved, we will if possible propose and accept an alternative person, provided that this does not cause any unnecessary delay. Due to logistical implications, interviews may be via video conferencing or conference telephone call.

Appendix A – Complaints Handling Flowchart





Appendix B – References

To contact us:

By Telephone:

+44 (0)20 7193 6043

By Email:

support@innercycle.org

Via the website contact form:

www.innercycle.org

By Letter (Post):

Innercycle CIO
71–75 Shelton Street
Covent Garden
London WC2H 9JQ UK

To take your complaint further with other bodies:

NB. Public bodies will not usually investigate until and unless you have exhausted all means of resolution directly with us.

Funding Complaints:

Contact the Fundraising Regulator to complain about:

- The way you've been asked for donations
- How fundraisers have behaved

You can also complain on behalf of someone else

Funding Regulator
2nd floor, CAN Mezzanine Building,
49-51 East Road, London, N1 6AH
Tel: 0300 999 3407
<https://www.fundraisingregulator.org.uk/make-a-complaint/complaints/>

You can change how often you get emails, phone calls, texts or post from a charity using the [Fundraising Preference Service](#)

Advertising Complaints

Contact the Advertising Standards Authority to complain about:

- An advertising campaign you think is offensive, deceptive or inaccurate
- The amount of emails or mail you get from a charity

Advertising Standards Authority
Mid City Place, 71 High Holborn, London, WC1V 6QT
Tel: 020 7492 2222
<https://www.asa.org.uk/make-a-complaint.html>

Charities Commission:

Helpline for online forms: 0300 066 9197

To learn more about reporting a charity, please visit:
<https://www.gov.uk/complain-about-charity>

If you still wish to proceed with a complaint to the Commission, you must complete the online form:
<http://forms.charitycommission.gov.uk/raising-concerns/>

The Scottish Charity Regulator (OSCR)

Helpline: 01382 220446
Email: info@oscr.org.uk
Website: <https://www.oscr.org.uk/charities/raise-a-concern-about-a-charity>
Address:
The Scottish Charity Regulator (OSCR)
2nd Floor, Quadrant House
9 Riverside Drive
Dundee DD1 4NY

Information Commissioners Office:

Contact the ICO for concerns on Data Protection:

Helpline: 0303 123 1113
Website: <https://ico.org.uk/concerns/>

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