

Tower Hamlets EBP External Complaints Policy

Last Updated: December 2018

Introduction

- It is good practise for charities to have a procedure in place to deal with complaints relating to aspects of the charity's service provision to its partners.
- The vast majority of complaints and concerns can be resolved informally.
- A complaint can be brought by any person who has been provided with a service or a facility by Tower Hamlets EBP (THEBP). The procedure refers to this person as a complainant.
- The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- At first it may be unclear whether a complainant is asking a question or expressing an opinion, rather lodging a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- A concern or unresolved problem becomes a complaint only when the complainant asserts that THEBP has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

Dealing with concerns informally

- The complainant should be given an opportunity to discuss their concern with the appropriate member of staff such as Senior Team Manager.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Director. To assist in this process a complaint form should be provided. (See end of document please).

Stage 1 – Referral to the Director for investigation

1.1 The Director should acknowledge the complaint in writing. In some cases the Director will have already been involved in looking at the matter; in others it will be his/her first involvement.

1.2 The Director should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

1.3 If the complaint is against a member of staff, the Director should talk to the staff member against whom the complaint has been made.

- 1.4 If necessary, the Director should interview witnesses and take statements from those involved.
- 1.5 The Director should keep reasonable written records of meetings, telephone conversations and other documentation. (I.e, a log of all communication).
- 1.6 Once all the relevant facts have been established, the Director should produce a written response to the complainant. The Director may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 1.7 The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action THEBP will take to resolve the complaint.
- 1.8 Stage 1 should be completed in 15 working days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Director should write to the complainant giving a revised target date.
- 1.9 The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Board of Directors within 15 working days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Board of Directors and the address to which the complainant can send the letter.
- 1.10 Complaints against the Director - If the complaint is wholly or mainly about the Director, the Board of Directors should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Board of Directors will invite the Director to respond to the complaint in writing within ten working days. The Chair will send a copy of the Director's response to the complainant who will be asked to indicate within five working days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response, then stage 2 should commence as described in paragraph 2.1 below.

Stage 2 – Consideration by the Board of Directors

- 2.1 If the complainant decides to take the matter further, the Chair of the Board of Directors should write to the complainant to acknowledge the complaint. This should take place within five working days of the Chair receiving the complaint. A copy of the acknowledgement and the complaints form should be sent to the Director and the other members of the Board.
- 2.2 Investigating the complaint – The Chair of the Board of Directors must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel. The Complaints Appeal Panel (CAP) draws on three members of the Board of Directors with no prior direct involvement with the complaint.
- 2.3 The Director should not serve on the CAP. If the Chair of the Board of Directors has had any prior involvement in the complaint then the Chair must not sit on the CAP.
- 2.4 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 2.5 The Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Director.
- 2.6 The complainant and Director should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Director, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a

friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

2.7 The Director should also be invited to prepare a written report for the CAP in response to the complaint.

2.8 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Director in advance of the meeting.

2.9 If the Director and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

2.10 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

2.11 The aim of the meeting should be to resolve the complaint and achieve reconciliation between THEBP and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

2.12 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

2.13 The meeting should allow for:-

- The complainant to explain his or her complaint and the Director to explain the reasons for his or her decision;
- The Director to question the complainant about the complaint and the complainant to question the Director;
- The CAP to have an opportunity to question both the complainant and the Director;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Director and complainant.

2.14 The Chair of the CAP should explain to the complainant and the Director that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Director and any witnesses will then leave.

2.15 The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the THEBP's system or procedures to ensure that problems of a similar nature do not happen again.

2.16 The Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Director.

2.17 Stage 2 should be completed in 15 working days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the complaints committee should write to the complainant and Director giving a revised target date.

Stage 3 – The Role of UK Charity Commission

If the complainant is unhappy with the way in which THEBP has dealt with the complaint, they may be able to approach the Charity Commission to intervene.

Here is their policy and action steps on how to complain about a charity:

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

If you have tried unsuccessfully to resolve your complaint informally, and wish to take the matter further, this is an example of the information we would need the complainant to send to the Director. (If your complaint is against the Director you will need to send the form to the Chair of the Board of Directors).

Your Name:
Organisation:
Organisation address:
Telephone Number (Work):
Telephone Number (Mobile):
What is your complaint about and what would you like us to do to resolve this issue?
When did you first discuss your concern / complaint with the appropriate member of staff? What was the staff member's name?
What was the result of the discussion?
Signed:
Date:

Policy Due for Next Update: January 2020 by Deputy Director

Megan Hunter
Deputy Director - Partnerships
Tower Hamlets EBP
Direct Tel: 020 7655 0355
Email: Megan.Hunter@thebp.co.uk
Website: www.thebp.org.uk