



# Complaints Policy & Procedures (Staff & Volunteers)

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## 1. Introduction

We are committed to providing a high standard of service and to continuously improving and extending the services that we provide. However, we recognise that there may be occasions when things go wrong. It is important that service users tell us when this happens, so that we can deal speedily with the problem that has been raised. Feedback helps us to improve the quality of our work.

There are two stages to the Complaints Procedure. Service users must exhaust stage one before proceeding to stage two, except in exceptional circumstances. This policy also applies to volunteers who may complain under this procedure as they are not able to use the staff grievance procedure.

## 2. Stage One - Local Resolution

The emphasis of stage one is to resolve a complaint informally in the local office.

### 2.1 How to complain

- A service user is entitled to complain about any aspect of the service by telling a member of staff: in person, by telephone or by letter. Information on our complaint's procedure is included in the service user care letter which is given to new service users and then at regular intervals after that ie. annually.
- In the event of the complainant not being able to convey the complaint directly, a third-party person (e.g. interpreter) will be used to make the complaint. Ideally complaints should be made in writing but if made orally a note should be made by the staff member (not being complained about) and signed by the staff member and the complainant with the Interpreter ensuring that they understand what is being signed.
- Volunteers may complain initially to the Volunteering & Partnerships Officer, who will attempt to resolve the situation informally. If a volunteer wishes to complain about the Volunteering & Partnerships Officer they need to complain to a Service Manager, where the complaint is dealt with under Stage 2 of the procedure.

### 2.2 Action by staff

- The member of staff receiving the complaint must immediately inform the manager, who will be responsible for seeking local resolution of the complaint, unless the complaint concerns the conduct of the local manager. In that case, the service user should be advised to proceed immediately to stage two; Formal Investigation.
- The manager must notify the Chief Executive immediately by sending her/him a completed CP1 form (Appendix C). The Chief Executive will issue a reference number for the complaint, and record the complaint in the Central Complaints Register.
- The manager will ensure that a copy of the completed CP1 form (Appendix C) is put on the service user's file.
- The manager will inform the service user that they will investigate the complaint, and that this process will involve asking them questions about what has happened. A service user may represent themselves during this process, but may want assistance. A service user may be assisted by an '*advocate*'. This can be a friend, or a member of the service user's community. If a service user

wants assistance, but does not know anyone who can help, the manager should try to assist by identifying an advocate from a sympathetic group, such as a refugee support group or RCO. Legal advisers are not acceptable advocates.

- The manager should ask the service user what resolution they are seeking.
- The manager will inform any staff mentioned in the complaint, provide them with a copy of the complaint, and tell them that they will be supported during the complaints process.
- Service users must be told that they can seek the assistance of the Office of the Immigration Services Commissioner (OISC) in making their complaint, at any stage of the procedure. The OISC may be contacted at their office 5<sup>th</sup> floor, 21 Bloomsbury Street, London, WC1B 3HF. Tel: 0207 2111500.

## 2.3 Timescale

- A written response to the complaint will be provided to the service user by the manager within **30 working days**. A copy of the response will be placed on the service user's file, and a copy sent to the Chief Executive for the Central Complaints Register. Along with a completed CP2 form (Appendix D).
- The manager will disclose this response to staff members who are involved.
- If the service user/volunteer has not been provided with a written response within 20 working days, the manager should inform the Chief Executive. S/he will decide how long the outstanding tasks should take, and set a timescale for the completion of those tasks. The manager will write to the service user, explain and apologise for the delay, and inform them by what date they can expect a response. The manager will then send the response to the service user by the revised deadline.
- Copies of all communication/decisions etc. will be kept on the volunteers file.

## 2.4 Appeal

- If the service user/volunteer is not satisfied with the response, then s/he has **30 working days** to request that the complaint be formally investigated under stage two.
- A volunteer who is not satisfied with the response, then s/he has **20 working days** to request that the complaint be formally investigated under stage two.

## 3. Stage Two - Formal Investigation

### 3.1 Who may complain under stage two?

- A service user, who is unhappy with a stage one response, may complain under stage two. They must do so within **20 working days** of receipt of the stage one response.
- If a service user/volunteer is complaining about a local# manager, they should proceed immediately to a stage two complaint and have the investigation completed by the Chief Executive.
- If a service user is complaining about the Chief Executive, they should proceed immediately to a stage two complaint and have the Chair of Trustees complete the investigation.

### 3.2 How to Complain

- A complaint should be made in writing to the Chief Executive at 120 - 122 Broadway Cardiff, CF24 1NJ marked "To be opened by addressee only".
- If the complaint is against the Chief Executive, then a complaint should be made in writing to the Chair of Trustees for the Welsh Refugee Council, c/o 120 - 122 Broadway Cardiff, CF241NJ marked "To be opened by addressee only".
- If a service user requests assistance with such a letter, she/he can be assisted by an advocate, or a member of staff other than the person who is the subject of the complaint.

## 4. Investigation Procedure

### 4.1 Initial Action by the Chief Executive

- S/he will send a written acknowledgement of receipt of the complaint to the service user, and tell the service user that they can seek the assistance of the Office of the Immigration Services Commissioner (OISC) in making their complaint, at any stage of the procedure.
- S/he will inform the Board of Trustees once the investigation is complete as part of the normal 'Business' of the Board.
- S/he will then issue a reference number, if the complaint is new, or confirm the existing reference number if the complainant has used stage one of this Procedure.
- S/he will appoint a member of staff to investigate the complaint - the "*Investigating Officer*" who will have no personal or professional relationship with the staff member.
- S/he will inform any member of staff mentioned in the complaint, and tell them they will be supported during the complaints process.
- If the complaint is against the Chief Executive, then the Chair of Trustees will take a lead on the above.

### 4.2 Action by the Investigating Officer

The Investigating Officer should contact the service user in order to:

- Ask them what resolution they are seeking.
- Explain the process of investigation, i.e. that the Investigation Officer will need to interview the service user, and those about whom the complaint has been made.
- Explain that the service user may use the assistance of an advocate.
- The Investigating Officer will provide a draft written report to the Chief Executive within **20 working days** of the complaint.

### 4.3 Completion of stage 2 of the complaints procedure

- The Chief Executive (or Chair of Trustees) will make any necessary amendments to the Investigating Officer's draft report, and formulate the final report.
- S/he will send the report, or where appropriate, part of the report, to the service user within **10 working days**. If it is not possible to respond to the service user within this timescale, the Chief Executive will write to the service user to explain the reasons for the delay, and to give a date by which they can expect to receive the report.
- S/he will send a copy of the report to the Board of Trustees.
- S/he will give a copy of the report to the member(s) of staff involved.

#### 4.4 Review

- If a service user is dissatisfied with a report into a stage two complaint, they may seek a review of their complaint by a sub-group consisting of 3 members of the Board of Trustees.
- A request for review must be in writing, to the Chief Executive (or Chair of Trustees), within **20 working days** of receipt of the report.

### 5. Suspension of the complaints procedure, at stage one or stage two

If matters arise during resolution of a complaint which requires investigation under the Disciplinary Procedure against staff, the Complaints Procedure will be suspended until such investigations are completed. The Disciplinary Procedure is not applicable to volunteers.

If there is a police investigation pertinent to the complaint, the Complaints Procedure will be suspended until such investigations are completed. If the complainant decides to seek legal redress against WRC, the Complaints Procedure will be suspended, or by decision of the Chief Executive, may be terminated.

## **Appendix A: Guidance for Investigating Officers**

The Chief Executive will contact you to inform you that he wishes you to investigate a complaint.

You will have a planning meeting with the Chief Executive to discuss the complaint. This meeting will address: the way the investigation will be conducted; who will be interviewed; and what written information relating to the complaint needs to be read. Background information may include records, background papers, legislation, government guidance and Welsh Refugee Council policies and procedures. This guidance equally applies to complaints by volunteers.

### **Formal Interviews - general**

You must take notes of all formal interviews, and subsequently agree these notes with interviewees. If it is not possible to agree the interview notes, then the notes should clearly record the discrepancies between accounts. Advise all interviewees that the information they provide may be included in your report.

At the end of the interview, summarise the main points covered, and ask if the interviewee has anything to add.

### **Service user interview**

During the interview with the service user, you need to: clarify the complaint; find out what outcome the service user is seeking; and explain the investigation procedure.

### **Staff interview**

Give staff 2 working days' notice of the time you will be interviewing them, and ensure they have been provided with a copy of the complaint.

### **Draft a report within 20 working days of receiving the complaint.**

This should: be concise; summarise the complaint; state the resolution sought by the complainant; list the persons interviewed and the papers read; analyse the complaint; conclude unambiguously whether or not the complaint is upheld; and make recommendations.

### **Recommendations**

These must be specific to the complaint and should refer to the resolution sought by the complainant. They do not have to be restricted to individual practice and can include recommendations about policy and procedure. However, if wider issues come to light during the investigation, which are not strictly relevant to the complaint, the Investigating Officer should detail these issues in a letter to the Chief Executive, and not include them as part of their report.

### **Conclusion**

Send your report to the Chief Executive. He will discuss your report with you, and may wish to make some amendments. He will send your report, or the relevant portion of your report, to the service user, the volunteer if relevant, and a copy to any staff member referred to in the complaint.

## Appendix B: Service user Information for Registering a Complaint - We value your views

### Having Your Say

We want to make sure that our service to you is as good as possible. Please let us know what you think, so we can improve our service. Your comments are valuable to us: both good and bad. If you are unhappy with any part of our service, you can complain. Your complaint will be treated very seriously. We will listen to your comments carefully, and make every effort to resolve your concerns.

### How to complain

Tell any member of staff about your concerns: either in person, or by telephone or letter. The member of staff will tell the local manager about your complaint. The local manager will be in charge of resolving your concerns. If your complaint concerns the conduct of the local manager, then you need to complain directly to the Chief Executive. A member of staff in your local office will be able to help you do this.

### Can someone help me make my complaint?

Yes. If you want assistance in making your complaint, or during the complaint's investigation, you may ask a friend, or a member of your community to help you. If you wish, they can represent you during the investigation, as "*an advocate*". If you want help, but do not know anyone who can help you, we will try and identify someone who will be able to assist you. You can also seek the assistance of the Office of the Immigration Services Commissioner (OISC) in making your complaint. The OISC may be contacted at their office: 5<sup>th</sup> floor, 21 Bloomsbury Street, London, WC1B 3HF. Tel: 0207 2111500.

### What will happen next?

The manager will record your complaint on a form, which will be added to your case file. S/he will then investigate your complaint. This will involve talking to you about your concerns and asking you what outcome you are seeking to your complaint. The manager will also talk to any members of staff concerned. S/he will then try to resolve your complaint. The manager will usually send you a written response to your complaint within **30 working days**. If the manager is unable to give you a written response within 6 weeks, they will write to you and tell you the reason for the delay, and by what date you can expect a written response to your complaint.

### What if I am not happy with the response?

You can request that your complaint be formally investigated. To do this, you must write to the Chief Executive within **20 working days** of receiving the written response from the manager. If you need assistance with this letter, you can be helped by your advocate, or by a member of staff (other than the person you are complaining about).

### What happens in a formal complaint?

The Chief Executive will send you a letter acknowledging receipt of your complaint. S/he will then appoint someone to investigate your complaint. You will usually receive a report into your complaint within **30 working days**. If it is not possible to respond within this timescale, the Chief Executive will write to you and explain the reasons for the delay. S/he will give you a date by which you can expect to receive the report into your complaint.



### **What if I am still not happy with the response?**

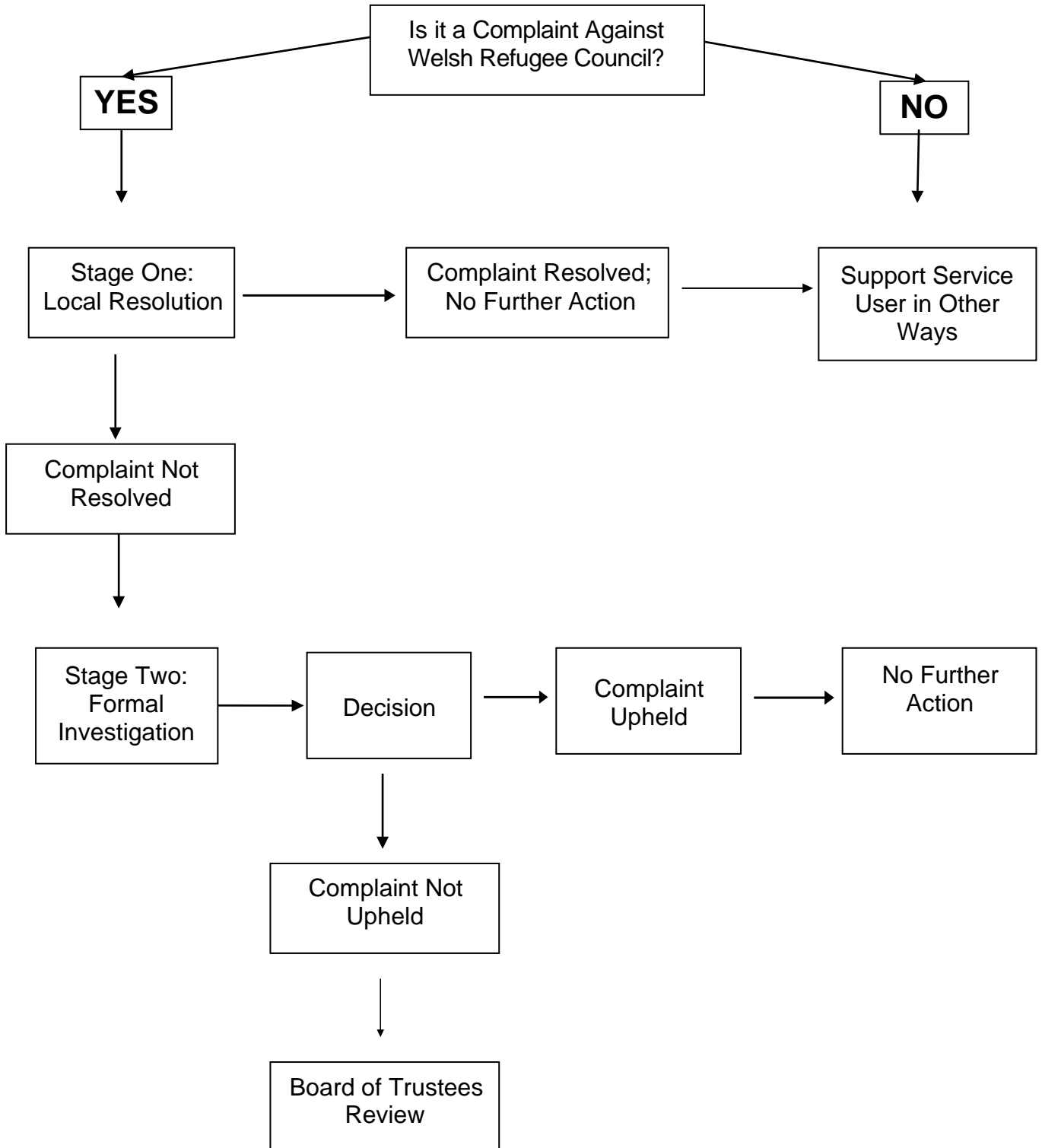
You can ask for a review of your complaint by members of the Board of Trustees. You must make such a request within **20 working days** of receiving the written report from the Chief Executive. The Board of Trustees will consider your complaint, and the responses you have had from your local manager, and the Chief Executive. They will make their recommendations to the Chief Executive.

The Chief Executive will consider the recommendations and decide whether it is appropriate for any action to be taken. The Chief Executive will inform you of the outcome of the review within **30 working days**.

The decision of the Chief Executive Officer is final.

This is the final stage of the complaints process.

## Appendix C: Complaints Procedure



## Appendix D: CP1 - Registering a Complaint for Local Resolution

On being informed of a complaint this form should be completed. A copy should be sent to the Chief Executive who will place it on the Central Complaints Register. A further copy should be placed on the service user's file.

What is seen as the problem with the service?

|   |                          |                              |                          |
|---|--------------------------|------------------------------|--------------------------|
| Poor/inefficient service                  | <input type="checkbox"/> | Treatment by staff           | <input type="checkbox"/> |
| Provision of wrong/misleading information | <input type="checkbox"/> | Poor facilities              | <input type="checkbox"/> |
| Delay in providing information            | <input type="checkbox"/> | Discrimination/Racism        | <input type="checkbox"/> |
| Difficulty in getting answer/decision     | <input type="checkbox"/> | Delay in providing a service | <input type="checkbox"/> |
| Failure/refusal to provide a service      | <input type="checkbox"/> |                              |                          |

Details (please give as much information as possible in this space and use another piece of paper if necessary).

What would the service user like done to put matters right?

**Service User Name:** .....

**WRC Ref No:** .....

**Address:** .....

**Telephone No:** .....

**E-mail:** .....

**Form Completed by:** .....

**Date:** .....

**Appendix E: CP2 - Local Resolution of a Complaint**

**Service User Name:** .....

**Reference No:** .....

Which of these best describes the outcome of the Complaint (please tick)

Upheld

Not Upheld

Upheld in Part

Withdrawn

What resolutions have been offered?

What resolutions have been agreed?

Which of these best describes the resolution of the complaint (please tick)

Acceptable to the Service User

Not acceptable

Acceptable in part (please explain on a separate sheet)

**Service User Name:** .....

**Date:** .....