

## Westway Trust Complaints Policy and Procedure

### 1. Introduction

Westway Trust aims to provide its members, tenants, learners, volunteers, other users of our services and the general public with the best possible service at all times. However, we recognise that from time to time things can go wrong and there may be occasions when users of our services feel that the quality or level of service provided falls short of what they could reasonably expect.

We would hope and expect to resolve any day-to-day difficulties or complaints informally and as quickly as possible. In the first instance we would expect any complaints to be raised directly with the member of staff concerned. The more formal procedure outlined below is intended for use by members, tenants, learners, volunteers, other users of our services and the general public where informal communication has not resolved the complaint.

Westway Trust recognises the importance of operating a complaints system that is effective, fair and accessible to all. This is in line with the Charity Commission's view that: *'an effective complaints management system is a proven way of maintaining and building relationships with the people on whom the charity depends.'* The Trust regards complaints as an opportunity to learn and improve for the future, as well as a chance, where appropriate, to put things right for the person or organisation that has made the complaint.

Our policy on complaints is:

- To provide a fair and transparent complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at Westway Trust knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to learn from the process and outcome and to improve what we do

### 2. Definition of a Complaint

A complaint is any expression of dissatisfaction, whether ultimately found to be justified or not, about any aspect of Westway Trust's work or our staff's conduct that cannot be resolved through normal working practice or other informal means. Complaints may come from any person or organisation that has had dealings with, or has a legitimate interest in, the Trust. Even if the expression of dissatisfaction does not specifically state that it is a complaint, we will where appropriate regard it as a complaint and deal with it in accordance with our complaints procedure if it is clear that it is in effect a complaint.

This policy does **not** cover complaints from staff. Such complaints will be handled in accordance with Westway Trust's Grievance Policy and Procedure. Nor does this policy cover Whistleblowing - the Trust's separate Whistleblowing Policy sets out details of how such cases are handled.

### 3. Complaints against Westway Sports and Fitness

This policy does not extend to complaints against the work or staff of Westway Sports and Fitness. Any such complaints will be handled by our operating partner Everyone Active in accordance with their complaints policy and procedure. Complaints should be raised in the first instance with the Contract Manager or the General Manager of the relevant facility. Everyone Active will involve Westway Trust in the consideration of the complaint where appropriate.

#### 4. Confidentiality

All information provided in connection with a complaint will be handled sensitively. Information will only be shared with those who need to know and in line with relevant data protection requirements.

#### 5. Submitting Complaints

Complaints are best made in writing with supporting evidence so that the details are recorded in the complainant's own words and we can more easily review the facts and supporting evidence. Written complaints should be sent to Head of Governance & HR, Westway Trust, 1 Thorpe Close, London W10 5XL or by email to [martin.parker@westway.org](mailto:martin.parker@westway.org). Ordinarily we will deal with non-written complaints only where the complainant has legitimate reasons that prevent them from submitting a written complaint.

Once we have received the complaint in writing, we will contact the complainant to provide details of the complaints procedure. In some cases we may want to clarify with the individual that he/she has made a complaint rather than provided feedback.

#### 6. Handling and Resolving Complaints

We expect that all complainants will engage with our procedure as set out below. It is generally inappropriate to submit a complaint "straight to the top". A complaint sent to the Board or Chief Executive will usually be dealt with through the same process as any other complaint.

Westway Trust's Head of Governance & HR has responsibility for co-ordinating the handling of complaints. This includes ensuring that:

- the most appropriate person is considering the complaint;
- timely responses are sent to the complainant; and
- the complaint is handled in accordance with this policy.

##### **A: Handling Complaints: Stage One**

- In many cases a complaint is best resolved through ongoing dialogue by the person responsible for the issue being complained about. If an informal complaint is received by the appropriate person, they may be able to resolve it swiftly and should do so if possible and appropriate, without registering it as an official complaint. However, if the complainant wishes it to be handled as a formal complaint under our policy and procedure from the outset, we will comply with his/her wishes.
- If it proves impossible to resolve the issue through ongoing dialogue, or the complainant is not satisfied with the response they receive from the member of staff concerned, the complainant should be presented with the option to formalise the complaint. It is an obligation of the staff member handling the issue to inform the complainant about this policy and to formalise the complaint immediately when the complainant requests it.
- Once confirmation of a formal complaint is received, and if it is not possible to give an immediate full response to the complaint, the Head of Governance & HR will contact the complainant within five working days to confirm the scope of the complaint and to advise them how we intend to proceed. The Head of Governance & HR will record the complaint in the complaints log, will acknowledge the complaint and coordinate with the appropriate person at the Trust to investigate it and to take appropriate action. It is the Trust's decision who handles the complaint. The acknowledgement to the complainant will say who is dealing with the

complaint and when the complainant can expect a reply. A copy of the complaints procedure should be enclosed with the acknowledgement if the complainant has not already seen this.

- If the complaint relates to a specific person, that person should be informed and given a fair opportunity to respond.
- If the complaint relates to the Chief Executive, the Head of Governance & HR will refer it to the Chair of Trustees who will normally ask the Vice Chair to investigate it. If a complaint is about a trustee or a matter of governance, it will be raised in the first instance with the Vice Chair. If a complaint is about the Chair of Trustees, the Head of Governance & HR will liaise with the Chief Executive to agree the most appropriate way of proceeding (which may in certain circumstances include the appointment of an external investigator)
- Ideally complainants should receive a definitive reply within four weeks. If this is not possible because, for example, an investigation has not been fully completed, a progress report will be sent to the complainant with an explanation of why it has not yet been possible to complete the investigation and an indication of when a full reply will be given.
- Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. Please note that sometimes the detail of the complaint may need to be withheld to maintain confidentiality in particularly sensitive matters.

## **B: Handling Complaints: Stage Two**

- If the complainant feels that the problem has not been satisfactorily resolved at Stage One, he/she can request that the complaint is reviewed by a senior manager, normally the relevant Director or the Chief Executive. If the complaint relates to the Chief Executive, it will be reviewed by the Chair of Trustees. An escalation of a complaint should be based on the facts and not simply that the complainant did not get the outcome he/she wanted. Ordinarily new evidence will be considered only if it was unavailable when the initial complaint was made or investigated. A request for a review must be made within three months of the complainant receiving the initial response.
- A Stage Two complaint will be acknowledged within five working days of receiving it. The acknowledgement will say who will deal with the case and when the complainant can expect a reply.
- If the complaint relates to a specific person, they should be informed that the complaint has reached Stage Two and given a further opportunity to respond.
- The person who dealt with the original complaint at Stage One will be kept informed of what is happening.
- Ideally complainants should receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an explanation of why it has not yet been possible to complete the investigation and an indication of when a full reply will be given.
- Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. Please note that, as at Stage One, sometimes the detail of the complaint may need to be withheld to maintain confidentiality in particularly sensitive matters.

- The decision taken at this stage is final, unless the Chief Executive decides it is appropriate to seek external assistance with resolution. Such external assistance may include the appointment of an independent adjudicator. Further steps of this kind will, however, be very much the exception rather than the rule.
- In cases where it is proving difficult to resolve the complaint to the satisfaction of the complainant or within the defined timeframe of our procedures, we will endeavour to continue our efforts to seek an acceptable resolution and will continue the dialogue with the complainant. If there appears, however, to be no other options to pursue, we do reserve the right in exceptional cases to close the complaint.

## **7. Complaints direct to the Charity Commission**

In certain circumstances a complaint can be made direct to the Charity Commission. Information about the kind of complaints the Commission will be prepared to investigate can be found on their website at: [www.charitycommission.gov.uk/publications/cc47.aspx](http://www.charitycommission.gov.uk/publications/cc47.aspx) The Commission does not, however, act as a complaints service for those complaints that are best dealt with by the charity direct. It assesses and identifies if there is a regulatory issue or other serious concern that requires its involvement. The Commission will normally refuse to take up an issue if it judges it not to be in the public interest to use its resources investigating or resolving it.

## **8. Variation of the Complaints Procedure**

The Chief Executive may vary the procedure in cases where the specific circumstances justify this. For example a variation of the procedure may be necessary to avoid a conflict of interest in a particular case.

## **9. Complaints outside of the scope of the policy**

We are committed to handling all complaints directly relating to the Trust's work and staff. There are incidents that fall outside of the policy which include, but are not limited to:

- Complaints about the Trust's tenants or complaints about other service users
- Complaints that are being dealt with through a legal process
- Complaints that relate to matters that occurred more than 12 months ago

## **10. Vexatious complaints**

We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Trust, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant. Examples include the way or frequency that complainants raise their complaint with Trust staff, or how complainants respond when informed of our decision about the complaint. If we believe we have exhausted the options in handling/resolving the complaint, we reserve the right to restrict how we deal with the complaint.

## **11. Monitoring and Learning from Complaints**

Complaints are reviewed, recorded and reported to the Board annually to identify any trends, which may indicate a need to take further action.

## **12. Ownership of Policy**

This is a policy of the Board. Responsibility for its implementation lies with the Chief Executive, supported by the Head of Governance & HR as the day-to-day lead.

January 2022