



## Complaints Policy and Procedure

### Our Aim

The Old Post Office Wellbeing Hub, and The Old Post Office C.I.C. are committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to the views of our clients and stakeholders, and in particular by responding positively to complaints, and by putting mistakes right.

Therefore we aim to ensure that:

- making a compliment or complaint is as easy as possible
- we welcome compliments, feedback and suggestions
- we treat a complaint as a clear expression of dissatisfaction with our service which calls for an immediate response
- we deal with it promptly, politely and, when appropriate, confidentially
- we respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken etc.
- we learn from complaints, use them to improve our service, and review annually our complaints policy and procedures

We recognise that many concerns will be raised informally and dealt with quickly.

Our aims are to:

- resolve informal concerns quickly
- keep matters low-key
- enable mediation between the complainant and the individual to whom the complaint has been referred

This policy ensures that we welcome compliments and provide guidelines for dealing with complaints from members of the public about our services, facilities, service providers and volunteers.

### 2. Definitions

A compliment is an expression of satisfaction about the standard of service we provide. A complaint is defined as any expression of dissatisfaction; however it is expressed. This would include complaints expressed face to face, via a phone call, in writing, via email or any other method. All service providers should have sufficient knowledge to be able to identify an “expression of dissatisfaction” even when the word “complain” or “complaint” is not used.

### 3. Purpose

We are always glad to hear from people who are satisfied with the services we offer. All compliments are recorded, acknowledged, and a copy is sent to the relevant service provider to provide feedback to the member of staff or service.

### 4. Complaints

The formal complaints procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

### 5. Responsibilities

The Old Post Office Wellbeing Hub and Organisation's responsibility will be to:

- acknowledge the formal complaint in writing;
- respond within a stated period of time;
- deal reasonably and sensitively with the complaint; and
- take action where appropriate.

A complainant's responsibility is to:

- bring their complaint, in writing, to The Old Post Office Wellbeing Hub's or Organisation's attention normally within 8 weeks of the issue arising;
- raise concerns promptly and directly with a their service provider or Anita Auer (DSL [anita.auer2021@outlook.com](mailto:anita.auer2021@outlook.com));
- explain the problem as clearly and as fully as possible, including any action taken to date;
- allow The Old Post Office Wellbeing Hub or Organisation a reasonable time to deal with the matter, and
- recognise that some circumstances may be beyond The Old Post Office Wellbeing Hub and Organisation's control.

### 6. Confidentiality:

Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and The Old Post Office Wellbeing Hub/Organisation maintain confidentiality. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its own facts). Should this be the case, the situation will be explained to the complainant.

### 7. Complaints Procedure:

Written records must be made by the directors at each stage of the procedure.

#### Stage 1

In the first instance, service providers must establish the seriousness of the complaint. An informal approach is appropriate when it can be achieved. But if concerns cannot be satisfactorily resolved informally, then the formal complaints procedure should be followed.

#### Stage 2

If the complaint cannot be resolved informally, the service user should be advised that a formal complaint may be made, and the following procedure should be explained to them. It may sometimes be appropriate for the director to make this explanation.

- a) A formal complaint can be made either verbally or in writing. If in writing the attached form should be used. If verbally, a statement should be taken by the director or the service provider.
- b) In all cases, the complaint must be passed on to the director.
- c) The service provider or director, depending on the nature of the complaint, must acknowledge the complaint in writing within one week of receiving it.
- d) One of the above will investigate the complaint. Any conclusions reached should be discussed with the service provider and director.
- e) The person making the complaint will receive a response based on the investigation within four weeks of the complaint being received. If this is not possible then a letter must be sent explaining why.

### Stage 3

- a) If the complainant is not satisfied with the above decision, then they are free to take their complaint to the relevant professional organisation.

## 8. Formal Grievance Procedure

If an employee has a problem, we feel it is a good idea to raise it informally first as this can often resolve it more quickly and help to maintain positive relationships. We will respond even if the grievance is raised informally.

As an Organisation, we believe in the mediation process and would try to instigate this at this stage. The mediator would be an independent, impartial person working with both sides to find a solution.

The problem can be raised formally if they feel raising it informally has not worked, or they feel it cannot be resolved through informal steps or it is too serious to raise informally. The grievance should be put in writing and addressed to Anita Auer (Director); if your grievance is against Anita Auer and you feel unable to approach her, you should raise it with the Deputy Designated Safeguarding Officer (DDSL).

When a service provider raises a formal grievance, the director will follow this formal procedure:

1. Within 5 days of receiving the grievance, the director will arrange a meeting to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative.
2. After the meeting, the director will give you a decision in writing, usually within 24 hours. If the director needs more information before making a decision, she will inform you of this and the timescale.
3. If you are unhappy with the decision on your grievance, you can raise an appeal; you should tell the director if you want to follow this route.
4. You will be invited to an appeal meeting, normally within 5 working days, with a both the director and the DDSL/other Director. You have the right to be accompanied by a colleague or trade union representative.
5. After the meeting, Anita will give you a decision, usually within 24 hours. The director's decision is final.

## 9. Disciplinary Procedure

A disciplinary procedure is a formal way for organisations to deal with a service provider's:

- \* 'misconduct' (unacceptable or improper behaviour)
- \* 'capability' (performance)

Before starting a disciplinary procedure, we would attempt to resolve the problem in an informal way by:

- \* privately talking with the service provider and any other member of staff involved
- \* listening to their point of view
- \* agreeing improvements to be made
- \* setting up a training or development plan, if it's a performance issue

Our procedure for dealing with 'capability or performance issues' would be based on:

- \* support
- \* training
- \* encouragement to improve

If, after a period of one term, support and training has not led to the necessary improvement to provide the standard of work required by the Organisation, the service providers contract may be cancelled.

We consider 'misconduct' to be:

- \* bullying
- \* harassment
- \* insubordination (refusing to do work)
- \* being absent without permission
- \* not following the policies set out by the Organisation and The Old Post Office Wellbeing Hub
- \* bringing the Organisation into disrepute
- \* not meeting the Teacher Standards
- \* misconduct outside of the Organisation

We deem 'gross misconduct' (serious or having serious impact) to be:

- \* fraud
- \* physical violence

\* gross negligence: serious lack of care to their duties or other people

\* serious insubordination: e.g. refusing to take lawful and reasonable orders from a supervisor

In the case of gross misconduct, the service provider's contract would be immediately terminated

Our procedure for dealing with 'misconduct' would be:

\* an investigation to:

- see if there was a case to answer
- make sure everyone is treated fairly
- gather evidence from all sides
- help the directors to see what should happen next

At any stage the directors can still look at whether:

- the formal procedures needs to carry on
- the issue can be resolved informally instead

\* a hearing will be heard as soon as possible after the investigation, while giving the service provider reasonable time to prepare. Before the hearing, the director will put the following in writing for the service provider:

- the alleged misconduct or performance issue
- any evidence from the investigation
- any other information they plan to talk about
- the date, time and location of the hearing
- information on the service provider's right to be accompanied to the hearing by a colleague, a trade union representative. The director should be informed of the companion in advance of the meeting.
- the possible outcomes

The service provider can also bring evidence to the hearing to show and talk about.

\* During the hearing, the director will:

- explain the service provider's alleged misconduct or performance issue
- go through the evidence
- make sure someone takes notes

The service provider will be able to:

- set out their case
- answer the allegations
- ask questions
- show evidence
- call relevant witnesses (with good notice)
- respond to any information given by witnesses
- choose if their companion can speak for them

The service provider's companion is allowed to:

- set out the service provider's case
- respond for the service provider to any comments or points made during the meeting
- talk with the service provider during the hearing
- sum up the service provider's case at the end of the hearing

The director may agree to allow the companion to answer questions on behalf of the service provider – this is not a legal requirement.

\* at the end of the hearing, the director will take some time to consider the case before making a decision. They will:

- tell the service provider what happens next and give a timeframe
- take a written confidential record of the hearing

\* After following a fair disciplinary procedure, the director will decide on the best outcome based on:

- the findings from the investigation and meetings
- what is fair and reasonable
- what their organisation has done in any similar cases before

\* If the disciplinary outcome is to terminate the service provider's contract, they will be contacted in writing. Termination of a contract can only be done by a director and the service provider should be told as soon as possible:

- the reasons for their termination
- the date their contract will end

\* The outcome of the disciplinary may be to issue a written warning which is a formal warning, this could be the first or final. The first written warning would include:

- what the misconduct or performance issue is
- the changes needed, with a timescale
- what could happen if the changes are not made
- what could happen if there is further misconduct or no improvement to performance
- how long the warning will stay in place
- in performance cases, any support or training the director will provide

The final written warning would be written if, within a set timeframe, the service provider either;

- repeats or commits another misconduct
- does not improve performance

If the disciplinary outcome is an informal warning (due to the issue being found to be small and not serious), the director will discuss this in an informal meeting with the service provider.

If no action is needed following a disciplinary, the director will talk privately with the service provider and any other people who knew the disciplinary procedure was happening.

A written record of the disciplinary will be kept to help with any questions or similar cases in the future. In line with our GPDR Policy, records will be:

- confidential
- stored securely
- only kept for as long as necessary

\* Should a reference be requested for a service provider who has been through a disciplinary procedure, the directors reserve the right not to provide one. If they do provide one, it will be fair, accurate, consistent with others and would contain details of any current, relevant disciplinary record.

## 10. Whistleblowing

Whistleblowing is an action someone takes to report wrongdoing at their workplace that affects others. Legally, this is known as 'making a disclosure in the public interest'.

\* These people are protected by law if they make a qualifying disclosure; their protection starts from the beginning of their employment, and when they no longer work for the employer:

- workers
- employees
- agency workers
- apprentices

- NHS practitioners
- student nurses
- student midwives
- police
- office holders
- self-employed doctors, dentists, ophthalmologists and pharmacists working in the NHS

\* These people are not protected in law:

- genuinely self-employed
  - a volunteer with no enforceable employment contract
  - a non-executive director
  - a member of the armed forces
  - a solicitor or barrister learning about an issue covered by professional privilege
  - a crown employee dealing with national security, e.g. people who work for MI5, MI6 or GCHQ
- \* A qualified disclosure is a serious issue that you can whistle blow about, these include:
- a criminal offence – for example, if an employer has been trying to bribe people
  - the breach of a legal obligation by an organisation – for example, if an employer has neglected their duty of care towards children in a care home
  - a miscarriage of justice – for example, if a member of staff has been fired for something that turned out to be a computer error
  - someone's health and safety being in danger – for example, if an employer has forced staff to serve food they know has been contaminated
  - damage to the environment – for example, if an employer has been regularly polluting local rivers

You can also whistleblow against someone who is trying to cover up information about any of these issues.

\* You are protected by law if you can show it:

- fits one of the categories of a qualifying disclosure
- is in the public interest

It is more likely to be in the public interest:

- the more serious it is



- if you're reporting something that was done deliberately
- if the issue involves a large, influential or well-known employer
- if there are a large number of people affected by the concerns

\* You will not be protected if you:

- commit a criminal offence by disclosing the information, e.g. hacking into computer files
- breach legal professional privilege

\* If the problem is a personal problem only and not in the public interest, it will not be covered by whistleblowing law. In these situations, it is better to resolve the problem in another way.

\* If someone wants to whistleblow against The Old Post Office Wellbeing Hub or The Old Post Office C.I.C., they can disclose to:

- the directors
- a legal adviser
- another person who is responsible for the wrongdoing
- a prescribed person or body
- any other person or body if there's good reason to, or if it's related to an 'exceptionally serious failure', e.g. the police or media

\* You should notify the directors of The Old Post Office Wellbeing Hub/The Old Post Office C.I.C. as soon as possible if you are making a disclosure. You should do this in writing and include:

- the background and reason behind the concern
- whether you've already raised the concern with anyone else and their response
- any relevant dates

You could also include any relevant evidence, e.g. documents, photographs, videos or samples; but you should be aware that it is not your responsibility to gather evidence and, if you take documents or pass them to someone beyond the organisation, you might be in breach of contract or other laws.

Whistleblowing can also help us to resolve issues early, before they get worse, and allow us to create a culture where service providers feel that they are listened to.

As an organisation, we encourage whistleblowing as we feel that service providers should trust our management and feel safe to speak out about serious concerns.

\* once the directors have received the disclosure, they will:

1. Arrange a meeting with the director to discuss the issue. You have the right to be accompanied by a colleague or trade union representative.

2. After the meeting, the director will further investigate the disclosure. The whistleblower will be kept informed of the process.
3. The director will call another meeting to discuss the outcomes of the investigation with the whistleblower.
4. Any findings that require other processes to be followed (e.g. grievance, disciplinary) will be set in action.
5. Service providers have the right to take their disclosure elsewhere if they are not satisfied with the outcome and meet the criteria to do so.

This policy is approved and robustly endorsed by The Old Post Office Wellbeing Hub/Organisation and is due for renewal every year.

Signed \_\_\_\_\_ *Anita Auer* \_\_\_\_\_ Mrs Anita Auer (DSL)

Signed \_\_\_\_\_ *Paul Auer* \_\_\_\_\_ Mr Paul Auer (Director)

Date: 18.6.24

Review Date: 18.6.25

## The Old Post Office Wellbeing Hub/The Old Post Office C.I.C. COMPLAINTS FORM

You may use this form to make a suggestion or to make a complaint about The Old Post Office Wellbeing Hub or The Old Post Office C.I.C..

We would like you to return this form as soon as possible.

Your Name .....

Address .....

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Telephone .....

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Date of incident

Approximate time of incident

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Suggestion / Complaint

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What action would you like to be taken?

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What times are convenient for you to have an appointment to discuss this?