



# COMPLAINTS POLICY

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## **LEGAL STATUS**

'YOU' is the operating name of 'The **YOU** Trust', a Company Limited by Guarantee and registered in England No.1898188 and Charity No. 291489.

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### **No Warranty**

The **YOU** Trust makes no warranty regarding the suitability of this policy (or any part of it) arising from its unauthorised use.

## 1 PURPOSE

- 1.1 **YOU** expects excellence in the quality of its work and in our dealings with the public. We aim to continuously improve the work we do, working to internal and externally set quality standards.
- 1.2 Feedback in the form of compliments, comments and complaints provides vital information about the way **YOU** performs and meets the expectations of people we work with. Compliments and comments, while welcome when received, do not require a response and so are not subject to any particular procedure other than a form of thanks and acknowledgement to the person making the comment. Complaints, however, are expressions of dissatisfaction which, no matter how small, must be met with a response that is proportionate to the nature of the concern.
- 1.3 It is important that the procedure <sup>1</sup> for responding to complaints is fair, thorough, and accessible. It should not be cumbersome and lengthy. Resolving difficulties and complaints quickly, and 'at the time' is often all that is required to rectify a matter of concern. More serious matters, however, require full and detailed investigation. This is essential in order that appropriate and necessary actions may be taken to deal with the particular situation, for learning to be understood and change implemented.
- 1.4 The procedure sets out the means by which complaints shall be dealt with in **YOU**, including the timescales within which complaints must be handled. Short summary versions are available for distribution to people we work with and the public, to ensure the process is accessible. Versions of these shall be produced by the Governance & Business Team (and the **YOU** Directors) together with people we work with in order to reflect the essential elements of the Complaints Policy, for different readers and audiences.

## 2 SCOPE

- 2.1 The Complaints Policy may be used by anyone who is **not** an employee, worker, trustee or volunteer of **YOU**.
- 2.2 All third-party fundraisers must be aware of the complaints procedure and be able to explain to members of the public how to make a complaint.
- 2.3 Employees, workers, trustees or volunteers who wish to complain about matters of concern involving **YOU** should do so through one of the following policies:
  - Preventing Bullying and Harassment Policy

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<sup>1</sup> See Standard Operating Procedure for Handling Complaints

- Whistleblowing Policy
- Grievance Procedure
- Disciplinary Policy

Employees, workers, trustees or volunteers who are in doubt should contact the People Team, or their line Manager, for confidential advice.

### 3 RESPONSIBILITIES

Responsibilities are listed in the procedure and they are: -

#### **All Employees, Workers, Volunteers, Trustees**

- Handle complaints according to this SOP.
- Assist people who wish to make a complaint.
- Report any complaint received to their Line Manager.
- Provide summary information about how to make a complaint.

#### **Trustees**

- Are involved in complaints against the Chief Executive Officer
- Are involved in complaints where the CQC or other regulating bodies are directly involved

#### **Quality Assurance People & Performance Committee**

- Approves and monitors the Complaints Policy.
- Reviews complaints data and reports.

#### **Senior Management Team**

- Appoints investigating managers for Stage Two complaints.
- Monitors the complaints management process.
- Reports on complaints to the Quality Assurance People & Performance Committee.
- Initiates legal proceedings if necessary.

#### **Line Managers**

- Ensure availability of information about the complaints process.
- Support staff in handling complaints.
- Maintain a complaints log for each contract or grant-funded work.
- Ensure staff are trained to handle complaints.
- Report all complaints to [feedback@theyoutrust.org.uk](mailto:feedback@theyoutrust.org.uk)

## Governance and Business Team

- Maintains a central complaints log.
- Supports the complaints process with necessary forms and materials.
- Provides monitoring data about complaints.

## 4 DEFINITIONS

### 4.1 WHAT IS A COMPLAINT?

**A complaint is an expression of dissatisfaction about YOU from anyone other than workers, employees, trustees or volunteers which requires a response.** It could concern:

1. the quality or standard of the work undertaken by **YOU**
2. incorrect or misleading advice or information
3. a failure to prevent harm (or the likelihood of harm)
4. unsuitable or unsafe standards in residential or office accommodation
5. the actions or behaviour of any member of staff (or anyone else working for **YOU**) which could break The Staff Code of Conduct
6. any breach of law

## 5 PROCESS

### COMMITMENT TO EARLY INTERVENTION

YOU are committed to early intervention and resolution, wherever practicable and in the best interest of all parties. The procedure remains accessible and understandable, and effective early intervention in situations where someone is unhappy can very often prevent the need for a longer process of formal investigation.

Section 5 in the Procedure document ([Complaints Procedure - June 25.pdf](#)) sets out the steps to follow, from early intervention through to formal investigation and appeal.

## 6 THE APPEAL

- 6.1 The complainant has the right to challenge the response by requesting an appeal under Stage 3 within 10 days from the date of the letter. Appeal points will be confirmed with the complainant by the Governance and Business Team as soon as is practicable.

The decision if the appeal meets the criteria for an appeal (see below) is made by the Governance and Business Manager and the appropriate member of the YOU Leadership Team, and the decision conveyed to the complainant.

## 6.2 Criteria for an appeal:-

- 1 Has there been a failure to act in accordance with any **YOU** procedure by the Investigating Officer?
- 2 Did the Investigating Manager fail to give due and balanced consideration to all the facts in the case?
- 3 Were any significant facts overlooked that may have affected the outcome of the investigation?
- 4 Was the central thrust of the original complaint/s addressed thoroughly by the Investigating Manager in his/her report?
- 5 Was YOU's response reasonable, proportionate and fair having regard to all the facts?

If the appeal meets criteria, then an Appeal Investigator is appointed.

## 6.3 The Appeal Investigator's role, supported by the Governance and Business Team, is to review all documentation, speak to relevant parties and assess against the appeal points to achieve a thorough and timely outcome that fully and finally resolves the issue/s.

Specific action to include: -

- Conduct all interviews and other evidence gathering within the timescale.
- Prepare a full and balanced report, where the decision whether to uphold or not the complainant's view is based upon those conclusions.
- Prepare a letter of response in accordance to YOU templates held [here](#) to the complainant which includes key detail.
- Where the Appeal supports the complainant's view (and overturns the earlier decision), confirm any actions that will be taken to remedy the situation and address the likelihood of any future recurrences.
- Complete, date and send all correspondence together with supporting evidence/materials and any action statement arising from the investigation to the Governance and Business Team to be kept securely as per the Retention Policy.

- Discuss all follow up action requirements with the appropriate line manager who shall set the implementation plan for completion.
- Refer any broader policy matters arising from the Investigation to the line Manager or appropriate YOU Leadership Team member for clarification.

## **7 VEXATIOUS AND MALICIOUS COMPLAINTS**

In making complaints to The YOU Trust, we appreciate that most people act entirely reasonably, however there are times that complainants may act inappropriately and this may include: -

- Acting out of character due to stress, anxiety, frustrations or distress
- The impact of a medical condition, or low mental health, or other communication difficulties which may give an impression of aggression or hinders positive communication

Our staff are trained to engage with the people we work with, families and other persons, and ensure that complaints are heard and dealt with positively, and understand that a person's behaviour does not mean that the complaint is unjustified. At all times they will work with the complainant to understand their complaint and seek an agreed outcome, with a view to de-escalate emotions and stressors.

However, we have experienced people making complaints that are vexatious in that they persist with unreasonable complaints, repeat the same complaint regardless of investigation and outcomes, and do not seek to genuinely resolve a concern, and act in a manner which is inappropriate and unacceptable.

An individual complainant will be seen as vexatious or habitual once the complaint procedure has been exhausted and the complainant acts unreasonably, for example:

- Continually insisting on a reinvestigation of their original complaint without any new information or specific reasons why they believe the investigation was flawed
- Persistently making the same or substantially similar complaint
- Persistently changing the substance of an existing complaint, or raising new issues during an investigation, thereby prolonging the investigation unreasonably
- Being unwilling to accept documented evidence as factual
- Being unwilling to accept a different perception which substantially questions their perception

- Denying receipt of an adequate response in spite of correspondence specifically answering their questions/addressing their complaint
- Persistently not being clear on issues they wish to be investigated
- Persistently being unwilling to take part in the investigation, which severely impacts on the quality of investigation being undertaken, and then complaining again
- Repeatedly raising trivial concerns/issues outside of the remit of our work
- Threatening, abusing, harassing or using physical violence towards staff who are involved in the complaint process
- Placing unreasonable demands on staff through an excessive number of contacts
- Recording meeting whether face to face or via phone or virtual without the prior knowledge or agreement of all other parties involved

Continuing to respond to such complaints can take up a significant amount of our resources in time and money and can thereby detract from the services that can be provided for others. Where complainants have been identified as habitual or vexatious, the relevant Director, along with the Chief Executive will determine what reasonable action to take. The person making the vexatious or habitual complaint will be informed in writing of this decision.

*For Admin use only*

**POLICY HISTORY**

Approval Date(s): Initial Approval: May 2025

Approved By: Quality Assurance, People and Performance Committee

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