

POLICIES AND PROCEDURES

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Alternative formats: Large print (18pt) or audio (mp3) format of this document available by emailing executiveadmin@orpheus.org.uk

Whole Centre Complaints Policy

Policy statement

The Orpheus Centre is committed to excellence in delivering education, housing and care. We set high standards for ourselves and seek to meet them. We are also committed to being open and honest and fair with our supporters.

Scope

This policy covers feedback, whether it is from a supporter, student, parent, volunteer or member of the public. Complaints may be about our services or fundraising including third parties fundraising on our behalf. (This excludes volunteers fundraising “in aid of” Orpheus, but we should listen if there is an issue of concern.)

Staff with a complaint should follow the Grievance Policy in the Employee Handbook or the Whistleblowing Policy.

Definitions and explanation of terms

For the purposes of this policy, the following terms are defined as:

Service request: A service request is a request from an Orpheus tenant requiring action to be taken to put something right. A complaint should be raised if a tenant is not satisfied with the response to their service request. Survey feedback may not necessarily need to be treated as a complaint, though, where possible, tenants should be made aware of how they can pursue your dissatisfaction as a complaint if they wish to.

Roles and responsibilities

Chair of Trustees

The Chair of Trustees is responsible for complaints about the Chief Executive. They also hold lead responsibility for complaints to support a positive complaint handling culture. They will be responsible for ensuring the trustees receive regular information on complaints that provides insight on the organisation’s complaint handling performance.

Chief Executive Officer

The CEO is responsible for complaints about the named managers below or a Trustee. They will make adequate resources available to implement this policy. They will carry out any needed remedial action or changes to this policy. They must ensure the Chair has access to suitable information and staff to perform their role and report on their findings. In particular, the CEO must ensure the Board receives:

- a) regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance.
- b) regular reviews of issues and trends arising from complaint handling; and

an annual complaints performance and service improvement report **including themes, lessons learned and changes made to our practice in the January board meeting.**

Senior Managers

Senior Managers will make sure that the policy is implemented within their team.

Employee Responsibilities

Orpheus staff are expected to respond positively to complaints. They must tell anyone who wishes to complain about the Complaints Policy.

In particular, they must have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;

- They must take collective responsibility for any shortfalls identified through complaints, rather than blaming others
- They must act within the professional standards of their area.

They must follow the process below.

Aims of Policy

Feedback helps us to learn from our mistakes and make improvements to our services. We aim to investigate all complaints thoroughly and to take any needed actions.

Principles

All complaints will be taken seriously and dealt with quickly.

We will respect the complainant's confidentiality during the complaints process unless the situation means we must tell other people about the problem (e.g. safeguarding concerns). We will not usually act on anonymous complaints. However, the Chief Executive or Chair will decide if the complaint should be investigated.

We will make reasonable adjustments if needed, to enable complainant's to access and complete this complaints process.

If you a student needs help making a complaint, they can ask their tutor. Tutors cannot make the complaint for students but can help them to make the complaint themselves. They may have a suitable representative deal with their complaint on their behalf, and be represented or accompanied at any meeting with the organisation. In any case, we would always encourage students and alumni to participate in the process in line with their needs and wishes.

People who raise a concern or make a complaint will be protected from discrimination, harassment or disadvantage.

Making a complaint

First Step – Raising Concerns

If someone is not happy with the service or treatment, they receive it is always best to raise the matter immediately with them. Ask them exactly what they are unhappy about and offer your help in putting it right. Many problems can be resolved quickly and informally in this way.

If you cannot resolve the concern immediately escalate matters to the relevant manager as a complaint, in writing.

Second Step –Complaints Procedure

Complaints should be made to the relevant manager in person, by phone (01883 744 644) or by email/letter to The Orpheus Centre, North Park Lane, Godstone, RH9 8ND, executiveadmin@orpheus.org.uk.

Please note that complaints may be made directly to Orpheus via social media, however we may not be able to maintain privacy and confidentiality.

If the complaint is about the Chief Executive, then it may be made to the Chair of Trustees via the contact details above.

Complaints made in writing (by post or email)

We will acknowledge the complaint in writing within 5 working days, confirming that we will seek to resolve the complaint within 20 working days. At this stage further contact with the complainant will only be made where we do not have enough details to take the complaint forward.

If we decide not to accept a complaint, a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and signposting them to any external organisation that they might be able to raise the matter with. This might be, for example, because legal proceedings about the complaint have begun, if the complaint is about an issue that occurred more than 12 months ago, or within 12 months of the individual becoming aware of the issue (excluding safeguarding or health and safety issues) or because the complaint is vexatious in nature. We consider the individual circumstances of each complaint.

Complaints made by telephone or in person

We will gather the facts using open questions. At the end of the conversation we will summarise the discussion to confirm that we have understood the situation and the outcomes the complainant is seeking.

We will clarify which aspects of the complaint we are, and are not, responsible for where this is not clear.

If we are familiar with the area of the complaint, we will then try and resolve the complaint at this point. If the complainant is satisfied with our action that is the end. In any case we will take their contact details and acknowledge the complaint in writing within 5 working days including a summary of the conversation and confirmation that the complaint will be dealt with within 20 working days.

Extension of information gathering period

In exceptional circumstances, we may need more than 20 working days to gather all the information. For example, this might happen if a key member of staff is on annual leave or sick. If this happens, we will contact the complainant in writing outlining the situation. If their complaint is about fundraising, we will send a copy of this letter to the Fundraising Regulator.

Our procedures

- A suitably qualified and impartial member of our team will investigate. They will be independent of the service being complained about. They will report back to the Chief Executive.
- If the complaint is about a Trustee or the Chief Executive it will be investigated by the Chair of Trustees. If it is about the Chair of Trustees, it will be investigated by the Deputy Chair or their delegate.
- We will first consult with the relevant staff, including the Chief Executive. Then we will inform the Chair of Trustees of the situation.
- We will investigate the complaint. We will gather any relevant facts about the complaint. We may also contact external authorities (e.g. local authority safeguarding teams). If a third party is involved (for example a volunteer, supplier or contractor), we will also speak to them.
- We will make reasonable adjustments for individuals where appropriate under the Equality Act 2010. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities an individual has disclosed. We will keep agreed reasonable adjustments under active review.
- Any restrictions placed on an individual's contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.
- If the complaint raises possible serious issues, we will seek legal advice. If legal action is taken at this stage, we will consider suspending investigation of the complaint until legal proceedings are settled.
- The investigation of the complaint will determine what action needs to be taken.
- We will take care to record all the key points and file these with the case.
- We will take measures to address any actual or perceived conflict of interest.
- Having gathered all the relevant information, we will set out the nature of the complaint and determine what action needs to be taken. We will give the complainant the outcome of the investigation in writing, addressing all points raised in the complaint and providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- We will not necessarily identify individual members of staff or contractors, except in exceptional circumstances, as their actions are undertaken on behalf of the organisation.

The letter will outline our Appeals process and how to contact regulators. There are two possible outcomes:

The complaint is justified.

We will then write to the complainant within 20 working days of their original complaint to apologise and let them know that the complaint has been used to improve on our future activities and how this will be done. We will also instigate action to prevent any recurrence of the problem and will follow our disciplinary process as outlined in the Staff Handbook (where applicable). Apologising for what has happened is not necessarily an admission of liability.

Our response will include (in Plain English):

- a) the complaint definition (“Terms of Reference”);
- b) the decision on the complaint;
- c) the reasons for any decisions made;
- d) the details of any remedy offered to put things right;
- e) details of any outstanding actions; and
- f) details of how to appeal if they are not satisfied with the response.

Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the complainant.

Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

Any remedy offered must reflect the impact on the individual as a result of any fault identified.

The details of any remedy offered must clearly set out what will happen and by when, in agreement with you where appropriate.

The complaint is not justified.

We will write to the complainant to explain that we will not be changing our practices and give clear reason(s) for our position. We will always take complaints very seriously and assure complainants the investigation will be as thorough as possible. Accurate records will be kept of all investigations which we have carried out.

Combination of both.

We will write as per above detailing which of the Terms of Reference have been upheld and which have not.

In the event that the complaint is not resolved to the satisfaction of the complainant

If the complainant is unhappy with the result of the investigation, they have the right to appeal to the Chief Executive within 5 working days of the date of our reply.

- Appeals must be made in writing to the Chief Executive at The Orpheus Centre, North Park Lane, Godstone, RH9 8ND, executiveadmin@orpheus.org.uk.
- The Chief Executive Officer will review the complaint and investigation, and may interview you and/or the manager investigating the complaint before reaching a decision.
- This will be a review of the adequacy of the first stage response, as well as any new and relevant information not previously considered.
- It will not be a more thorough, detailed investigation of the complaint. It is expected that this will have already happened during the initial investigation.
- On receipt of the appeal, the CEO will set out their understanding of any outstanding issues and the outcomes the complainant is seeking. If any aspect of the complaint is unclear, we will ask the complainant for clarification.
- In the case of a complaint against a trustee or the Chief Executive, the appeal will be reviewed by an independent committee of three charity trustees excluding the Chair or their delegate.
- Within 20 working days from the date of your written appeal a reply from the Chief Executive Officer, or relevant appeal body as above, will be sent to the complainant detailing the outcome.

Their response will include:

- a) the complaint definition ("Terms of Reference") – this will be the original definition, unless the CEO or relevant appeal body has decided the original definition was inadequate
- b) the decision on the complaint, whether upheld or dismissed;
- c) the reasons for any decisions made;
- d) the details of any remedy offered to put things right;

- e) details of any outstanding actions; and
- f) details of how to appeal if the complainant is not satisfied with the response.
- g) details of how to take the matter further with the appropriate authority as below.

If the complainant is still not happy

If the complainant believes we acted unlawfully or unreasonably in the exercise of our duties under education law, they can contact the Department for Education to consider whether the Orpheus Centre has adhered to education legislation and any statutory policies connected with the complaint.

They can do this online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to the Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.

They may also raise a complaint with Ofsted at: <https://contact.ofsted.gov.uk/online-complaints> or by telephone on: 0300 123 1231.

If they are unhappy with the result of the investigation and their complaint is about fundraising, the Fundraising Regulator will deal with all complaints that are concerned with a breach of the Fundraising Code of Practice provided that they have complained to the charity concerned but are not satisfied with the answer received.

In the event that they are not happy with our response, they should contact the Fundraising Regulator within 2 months of receiving it. They can do this online using their [complaints form](#).

If their complaint relates to the domiciliary care service, they can refer their complaint to the Local Government Ombudsman if they remain dissatisfied. They can do this by emailing: advice@lgo.org.uk, by visiting their website at: www.lgo.org.uk, by telephone on: 0300 061 0614 or by writing to The Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV40EH.

Our domiciliary care service is registered with and regulated by the Care Quality Commission (CQC). The CQC cannot get involved with individual complaints about providers but they welcome feedback concerning care services.

They can do this by visiting their website at: www.cqc.org.uk, by telephone on: 0300 0616161 or by writing to: Care Quality Commission, Citygate, Gallowgate, Newcastle upon Tyne NE14PA.

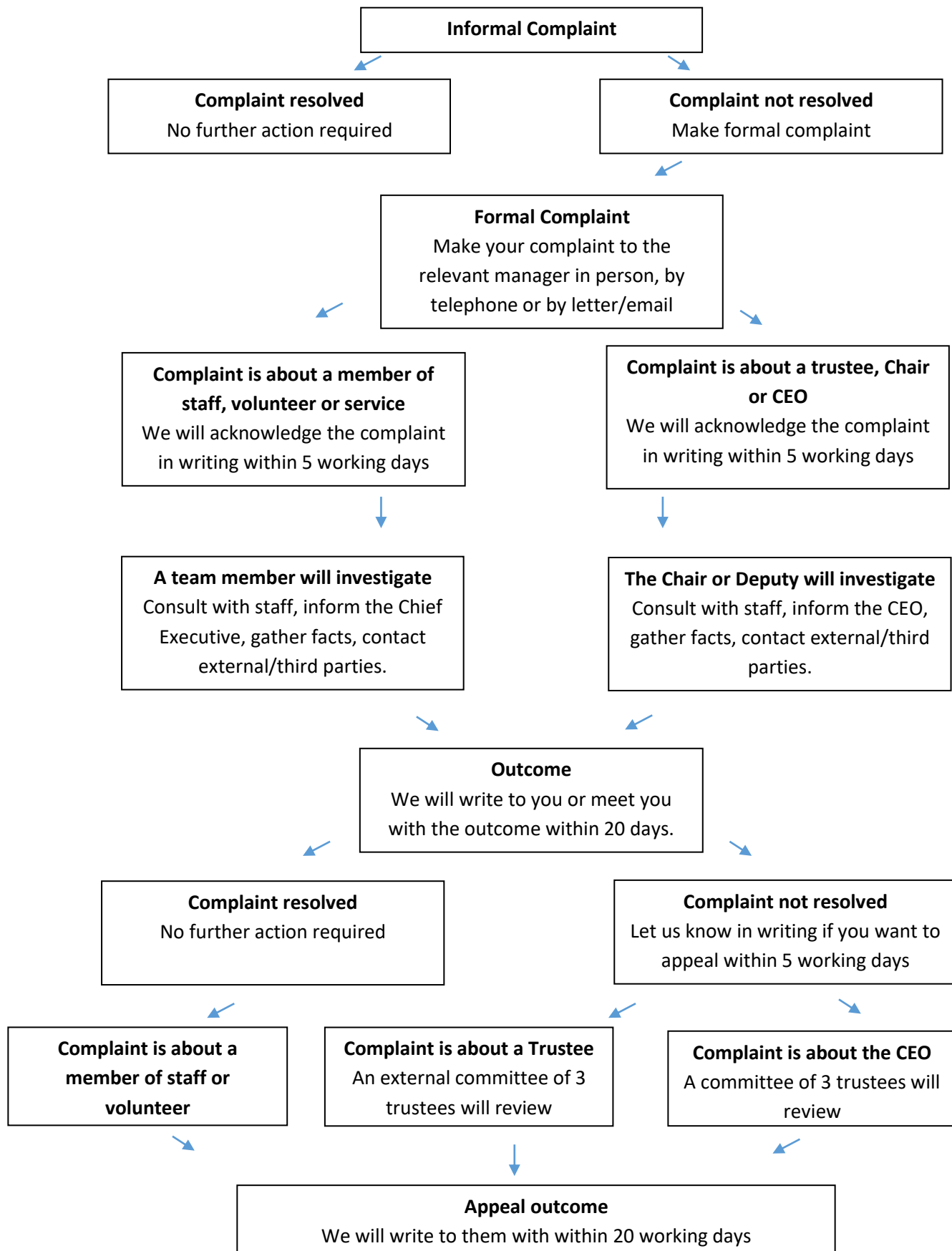
External Reporting

Where necessary we may contact external authorities (e.g. local authority safeguarding teams).

Where a complaint is also a safeguarding issue, we will first take advice from the safeguarding team. To ensure the safety of our students, the complaint investigation will not take place until we have been given permission by the safeguarding team.

We will include the number of fundraising complaints in our annual report as required by the Fundraising Regulator.

Complaints Process



Appendix One: How to Make a Complaint at Orpheus

We want to hear from you!

At Orpheus, we work hard to make sure you are happy with the education, housing, and care we provide. But sometimes, things go wrong, and it's important to let us know if you are unhappy so we can fix it.

This leaflet will help you understand how to make a complaint if something isn't right. We will listen, respect your privacy and try to fix the problem as soon as possible.

Who Can Make a Complaint?

- You! (A student at Orpheus)
- Your family or carer
- A volunteer or member of the public

What Can You Complain About?

- Your education or support
- Your housing or care
- Something that went wrong with fundraising
- Anything else that worries you at Orpheus

What Happens When You Complain?

1. First Step: Talk to Us

- If you're not happy, talk to a member of staff straight away.
- Tell them what the problem is and they will try to help you fix it.
- If they can't fix it, they will pass it on to the right person to help.

2. Second Step: Formal Complaint

- If the problem isn't solved, you can make a formal complaint.
- You can talk to the manager of your area (education, care, housing, or another department).

You can complain by:

- Talking to someone
- Phoning us: 01883 744 644
- Writing an email: executiveadmin@orpheus.org.uk

- Sending a letter to: The Orpheus Centre, North Park Lane, Godstone, RH9 8ND.

3. What Will We Do?

- We will write back to you in 5 working days to say we've received your complaint.
- We will try to solve your complaint within 20 working days.
- If we need more time, we will let you know.

What Happens After We Look Into Your Complaint?

- If we made a mistake, we will apologise and tell you what we will do to fix it.
- If we think everything was done correctly, we will explain why.
- Either way, we will write to you to explain what we found.

What If You're Still Unhappy?

- If you're not happy with our response, you can ask for an appeal. This means we will look at your complaint again.
- Write to the Chief Executive to ask for an appeal.
- If the problem is still not solved, you can take it to an outside organisation.

Need Help to Complain?

- You can ask your tutor or a friend to help you make the complaint.
- They can't make the complaint for you, but they can help you tell us what's wrong.
- Let us know if you need us to make reasonable adjustments because of a disability or long-term health condition.

We Promise:

- To listen carefully to your complaint
- To respect your privacy
- To treat you fairly and without discrimination

Appendix Two

This feedback form may be given to the complainant if appropriate, otherwise use it as a tool to help you gather the initial information required.

Feedback Form

Your Name:

Address:

Date:

Email:

Phone Number:

Student Name (if your complaint concerns a student):

Your relationship to the student (if your complaint concerns a student):

Please give the details of your complaint. Please include, where possible, dates, names of witnesses, etc. as this will help us to properly investigate:

What action, if any, have you already taken to try and resolve your complaint?

(Who did you speak to and what was the response)?

If you have not taken such action, please set out here your reasons:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details: