



## **Complaints Policy**

Open Door Exmouth aims to identify and solve problems at the earliest possible stage.

### **Who has the right to complain?**

Anyone! Any staff member, volunteer or service user has the right to complain if they have been involved with Open Door Exmouth and are not satisfied with their experience.

Open Door Exmouth helps many people during the course of a year. We try to do our best to meet the needs of all who come to us. However, every so often someone comes away from Open Door Exmouth feeling unhappy. Perhaps you felt that you were not treated with respect or courtesy. Perhaps the advice we gave you was wrong or didn't help you. Unfortunately, these things can happen. We are not perfect although we aim to be as good as we can be. That is why we have a complaints procedure. We want to learn from our mistakes. What you are able to tell us helps us to learn how to improve the service we give. Your complaint will be treated confidentially and quickly.

### **What can you do?**

If you are unhappy, it is important that you let us know. Please make your comments to a staff member or project leader or the person who is in charge of the project. He or she may be able to sort out the problem straightaway.

If this does not satisfy you, you can make a formal complaint. This can be done in several ways. You can make an appointment to see the Project Leader, and talk to him/her about your complaint. You can request a complaints form from any staff member or project leader and hand it in to the Open Door Centre when it is open or send it by post to the following address: Open Door Exmouth, Church Street, Exmouth, EX8 1PE, marking it for the attention of the Projects Director, or Chair of Trustees. Alternatively, you can send your complaint by e-mail to [info@opendoorexmouth.org.uk](mailto:info@opendoorexmouth.org.uk).

### **Protection**

This policy is designed to offer protection to those employees and volunteers of the Open Door Exmouth who disclose such concerns provided the disclosure is made:

- \* in good faith
- \* in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an

appropriate person (outlined above). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

Open Door Exmouth will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **Whistleblowing**

Open Door Exmouth is committed to the highest standards of openness and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and volunteers of Open Door Exmouth to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an employee or volunteer discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Open Door Exmouth has endorsed the provisions set out below so as to ensure that no members of staff or volunteers should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by Open Door Exmouth nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff and volunteers to use them rather than air their complaints outside of Open Door Exmouth.

The Whistleblowing policy is designed to enable employees and volunteers of Open Door Exmouth to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- \* Financial malpractice or impropriety or fraud

- \* Failure to comply with a legal obligation or Statutes
- \* Dangers to Health & Safety or the environment
- \* Criminal activity
- \* Improper conduct or unethical behaviour
- \* Attempts to conceal any of these

### **Allegations against Staff and Volunteers**

All allegations will be treated seriously and investigated thoroughly. For safeguarding allegations, the member of staff or volunteer will have no contact with children/young people/vulnerable adults during the investigation. The member of staff may also be suspended whilst the investigation takes place.

### **What we will do**

The Project Leader/Projects Director/Chair of Trustees will acknowledge receipt of your written complaint within 5 working days. They will then fully investigate the matter, and where necessary, inform the member of staff, against whom the complaint is made, of their right to be accompanied by a trade union or other representative at any future interview or hearing. If there is evidence of criminal activity, the police will be informed.

A judgement concerning the complaint will be made by the investigating officer and will be detailed in a written reply to the complainant. We aim to send this within 15 working days. However, if the issue is complicated, any delay beyond this will be explained to you. You will be kept informed of progress. The reply will:

- a. Set out the complaint so that the complainant can be sure it has been understood
- b. Describe the event and circumstances surrounding them
- c. Set out the findings, giving reasons for the decision
- d. Apologise on behalf of Open Door Exmouth if the complaint is upheld and explain the steps it has taken to avoid it happening again

If the complaint is shown to be justified, then the Open Door Exmouth disciplinary procedure or other appropriate measures will be invoked, as deemed necessary.

### **A review of your complaint**

If you are not satisfied with the response, you can ask for a further review. Your request must be made in writing or by e-mail within 14 days from the date of the response by Open Door Exmouth. An independent adjudicator will conduct the review. The independent adjudicator will be a minister of one of the churches that are members of Churches Together in Exmouth, and will be appointed by the Board of Trustees of Open Door Exmouth. You will be informed of the outcome of this review within four weeks from your request for the review, or if the matter is complex, you will be kept informed of the progress of the review.

### **Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns

expressed anonymously are much less credible, but they may be considered at the discretion of Open Door Exmouth.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

### **Untrue Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

### **Grievance & Disciplinary**

If a complaint or concern is raised about a staff member or volunteer, Open Door Exmouth will follow its grievance and disciplinary procedure. The main principles of the grievance and disciplinary procedure are:

- Open Door Exmouth will attempt to solve any problems before any formal complaint is made, by discussing the issue with the relevant parties.
- Staff members and volunteers will have the procedure explained to them and will be supported at all stages.
- Staff members and volunteers have a right to reply to any complaint and to appeal any disciplinary action that is taken.
- Any grievance will be kept confidential other than to those directly involved in the disciplinary procedure.
- The outcome of any grievance or disciplinary procedure will be recorded and copies provided to relevant parties.

Examples of unacceptable conduct may include, but are not limited to:

- Refusing to follow reasonable instructions
- Breach of any of the Open Door Exmouth policies and procedures
- Unsatisfactory performance of the duties of the role
- Frequent no-show at contracted (staff) or agreed (volunteer) hours/sessions without due reason
- Breach of confidentiality
- Inappropriate behaviour or harassment towards clients, staff or volunteers
- Dishonesty
- Incapacity to perform the role due to drunkenness or unauthorised drug taking

Full details of the Open Door Exmouth Disciplinary and Grievance Policy can be obtained on request from a member of staff.