



# Complaint's Policy

## At a glance

This policy sets a framework for the principles of our management of the Complaints policy.

## Who this policy applies to

This policy applies to all members of staff who work under a contract of employment with Harry's Rainbow, volunteers, beneficiaries, their families and to members of the Board. It also applies to any external parties wishing to make a complaint.

## Policy status

This policy is owned by the Board of Trustees. It is non-contractual and may be updated or changed by the Board at any time. Colleagues are reminded that it is their responsibility to keep up to date with policy changes.

## Policy Objective and Outline

The key objective of this policy is to bring all concerns about the running of Harry's Rainbow to a satisfactory conclusion for all parties involved. Harry's Rainbow will work to strike a balance between the rights of the complainant and the subject of the complaint. The same duty of care is owed to both employees, volunteers, trustees and / or stakeholders and the accused should have the opportunity to present a full defense. Whilst we make every effort to meet peoples' expectations, circumstances may arise where an individual has a concern and wishes to bring this to our attention. We will take all reasonable steps to resolve the situation, in everyone's best interests.

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## Complaint's Policy

Complaints can be verbal or written, they will be treated seriously and dealt with in a swift, sensitive, and effective manner. When dealing with complaints, Harry's Rainbow is committed to providing a fair, impartial, transparent, and responsive system.

### Policy Exceptions

The following will not be dealt with by this policy:

- Staff grievances and issues. Such matters will be dealt with through personnel policies and procedures.
- Disciplinary matters. However, if any aspect of the complaint investigation identifies a staff performance issue the disciplinary process may be followed.
- Whistleblowing disclosures. Such matters will be dealt with through our Whistleblowing policy

### Complaints Procedure

There are 4 stages of our complaints process with the aim to resolve complaints at the earliest level. The stages are outlined below in brief, with a detailed explanation following.

Stage 1 – Informal – handled by CEO

Stage 2 – Written – handled by CEO

Stage 3 – Meeting with CEO

Stage 4 – Escalation to Board of Trustees

Stage 5 – External mediator

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## Complaint's Policy

### Stage 1

Any individual (“the Complainant”) who has a concern about an aspect of Harry’s Rainbow service provision should firstly talk over their concerns with the Chief Executive Officer (CEO). Most complaints should be resolved amicably and informally at this stage. When the complaint is resolved at this stage, the main points are recorded in the Harry’s Rainbow complaints log, and any relevant written correspondence or evidence is also stored there.

### Stage 2

If stage 1 does not have a satisfactory outcome, or if the problem recurs, the Complainant should put the concerns or complaint in writing to the CEO of Harry’s Rainbow. The CEO will investigate the complaint and will then invite the Complainant to a meeting to discuss the outcome. The Complainant must be informed in writing of the outcome of the investigation within 28 days of making the complaint. When the complaint is resolved at this stage, the main points are recorded in Harry’s Rainbow complaints log, and any relevant written correspondence or evidence is also stored there.

### Stage 3

If the Complainant is not satisfied with the outcome of the investigation, they may request a meeting with the CEO. The Complainant may have a friend or partner present if required. An agreed written record of the discussion will be made, as well as any decision or action to take as a result. All the parties present at the meeting will sign the record and receive a copy of it. When the complaint is resolved at this stage, the main points are recorded in Harry’s Rainbow complaints log, and any relevant correspondence or evidence is also stored there.

### Stage 4

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If at the Stage 3 meeting the Complainant and CEO of Harry's Rainbow cannot reach agreement, the complainant can request that the complaint is investigated by Harry's Rainbow Trustee Board. The Complainant may have a friend or partner present if required. An agreed written record of the discussion will be made, as well as any decision or action to take as a result. All the parties present at the meeting will sign the record and receive a copy of it. When the complaint is resolved at this stage, the main points are recorded in Harry's Rainbow complaints log, and any relevant correspondence or evidence is also stored there.

### Stage 5

If at the stage 4 meeting the complainant and Board cannot reach agreement, the Board of Trustees can suggest that the matter be dealt with by an external mediator and arrange for this to take place and inform the complainant. When the mediator has concluded their investigations, a final meeting between the Complainant, Board and Mediator will be held. The purpose of this meeting is to reach a decision on the action to be taken to deal with the complaint. The mediator's advice will be used to reach this conclusion. The mediator will be present at the meeting to help a decision to be reached. A record of this meeting, including the decision on the action to be taken, will be made. Everyone present at the meeting will sign the record and receive a copy of it. This signed record signifies that the procedure has concluded. The main points will be recorded in Harry's Rainbow complaints log, and any relevant correspondence or evidence is also stored there.

## Unsatisfactory Complaint Response

If the complainant remains dissatisfied with Harry's Rainbow response to their complaint, they may escalate their complaint to the appropriate regulatory board.

- For complaints about fundraising and how you have been asked for donations or how fundraisers have behaved (you can also complain on behalf of someone else), contact the Fundraising Regulator: <https://www.fundraisingregulator.org.uk/complaints/make-complaint>

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- For complaints about advertising and an advertising campaign you think is offensive, deceptive, or inaccurate or about the number of emails or mail you get from a charity, contact the Advertising Standards Authority: <https://www.asa.org.uk/make-a-complaint.html>
- For all serious complaints i.e.
  - A charity is not following the law, with damaging consequences to its reputation and public trust in charities generally
  - Serious harm to the people the charity helps or other people who come into contact with the charity through its work
  - A person or organisation receiving significant financial benefit from a charity
  - Criminal, illegal or terrorist activity
  - A charity set up for illegal or improper purposes
  - A charity losing significant amounts of money
  - A charity losing significant assets e.g., land or buildings

You should contact the Charity Commission: <https://forms.charitycommission.gov.uk/raising-concerns/>

## Wider Action

Irrespective of the outcome of any complaint, the CEO or Board will consider if there is any requirement in respect of wider action and/or statutory reporting to another regulator or the Police.

Consideration will also be given as to whether any changes should be made to policies, procedures, or training undertaken, to see if anything might reasonably be done to prevent a similar issue arising in the future.

## Anonymous Complaints

Anonymous complaints will be recorded and any facts available looked in to. However, in doing so we will be mindful that anonymous complaints can sometimes be malicious. Everyone involved in our work,

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even incidentally, has a right to complain and we will hold anyone accountable but, equally, individuals and the charity have a right to be protected from unsubstantiated and, potentially, malicious allegations. Consequently, anyone wishing to complain is strongly encouraged to do so in line with our Complaints Policy as outlined above.

### Confidentiality

A complaint will be treated as confidential and any communication on this issue, including responding to the complainant, will be subject to compliance with the General Data Protection Regulations.

### Recording of Complaints

All complaints will be recorded, even if they are satisfactorily resolved, in a Complaints Log. The Complaints Log will be reviewed by the CEO and reported to the Board quarterly. Serious complaints will be reported to the Board within 48 hours. Although not exhaustive, complaints about any of the following would always be treated as serious:

- Risk of serious injury or harm
- Discriminatory behaviour, according to current legislations protected characteristics
- Bullying or sexual harassment
- Substantive breaches of safety, such as Health & Safety at Work or safeguarding procedures
- Substantive data protection breaches
- Fraud or other criminal acts
- Any complaint against an individual that falls within our definition of gross misconduct.

### Gross Misconduct

Any behaviour or negligence resulting in a fundamental breach that irrevocably destroys the trust and confidence necessary to continue a relationship will constitute gross misconduct.

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## Complaint's Policy

### Availability

This policy is to be available to everyone and given to anyone who advises that they wish to submit a complaint.

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