

# YMCA HUMBER

## Complaints Policy

Authorship:	People and Policy Sub-Committee
Reviewing Officer:	Chief Executive Officer
Review Commencement Date:	May 2026
Subsequent Review date:	May 2027
Version	2.0



Here for young people  
Here for communities  
Here for you

YMCA enables people to develop their full potential in mind, body and spirit. Inspired by, and faithful to, our Christian values, we create supportive, inclusive and energising communities, where young people can truly belong, contribute and thrive.

FAMILY & YOUTH WORK

HEALTH & WELLBEING

HOUSING

TRAINING & EDUCATION

SUPPORT & ADVICE

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## **1. APPLICATION OF THIS POLICY**

- 1.1 YMCA Humber is committed to ensuring that there are effective means to review, respond and act on complaints in relation to its service delivery.
- 1.2 The Policy applies to all legal entities within YMCA Humber and links to the charity's obligations under the Housing Ombudsman's Complaint Handling Code and Tenant Satisfaction Measures, OFSTED registration requirements and complaints from third parties.
- 1.3 For the purpose of this policy the '*complainant*' can relate to a resident, service user, youth club member, parent or third-party association or member of the public.

## **2. OBJECTIVE**

- 2.1 We are committed to providing services that meet the standards agreed with customers (including residents, service users, young people and stakeholders). Through the implementation of this policy, we aim to address situations where we do or do not meet expectations and need to understand, learn, and identify how we can improve our service. When considering feedback, we will consider whether it is either:
  - A Service Request,
  - A Complaint,
  - An Appeal (against a housing notice or warning)
- 2.2 These terms are defined below and the Complaint Handling Code (for complaints in relation to our landlord duties) and wishes of the Customer will be considered when deciding which category is appropriate. Where we can, we will seek to avoid matters escalating by understanding and putting in place effective remedies.

## **3. POLICY STATEMENT**

The aim of the Policy is to:

- (a) Ensure customers have open and fair access to the complaints process.
- (b) Manage complaints effectively and efficiently.
- (c) Operate a prompt, fair complaint escalation and review process.

## **4. EQUALITY IMPACT ASSESSMENT**

- 4.1 We are committed to treating everyone fairly, recognising the protected characteristics set out in the Equalities Legislation. We will act sensitively towards the diverse needs of individuals and communities and will take positive action where appropriate.
- 4.2 We make appropriate arrangements, where necessary, to ensure that customers with distinct communication needs are not unreasonably or disproportionately affected. This could involve providing communications in alternative languages or formats or providing interpretative or transcription assistance where appropriate.
- 4.3 We will ensure that anyone living with us, and in particular those under the age of 18, or anyone accessing any of our services, is supported by making a complaint and ensuring that they are not subject to any reprisal or detriment for making a complaint or representation.

## 5 DEFINITIONS

### 5.1 Customer:

Refers to all service users whether they are a resident in our accommodation, young person in our clubs or activity sessions, general public who use our facilities and café and members of the community who hire a room or sports pitch or use any of our community facilities.

### 5.2 Service Request:

A service request in the context of this policy is a request from a customer requiring action to be taken by the Charity to put something right, for example, a repair needed in our accommodation. A complaint should be raised when the customer raises dissatisfaction with the response to their service request. Service requests will be recorded, monitored, and reviewed regularly.

*An Appeal against a housing sanction:* An appeal should be submitted in response to any sanction taken under a resident's license agreement, for example following the issue of a Notice to Quit. A complaint will only be accepted if the complainant believes that the correct process has not been followed in consideration of an appeal.

### 5.3 Complaint:

Where dissatisfaction is expressed about a service and we have been unable to remedy the situation to the customer's satisfaction and the customer chooses to formalise the matter, a complaint should be lodged within 12 months of the occurrence which is being complained about. A customer does not have to use the word 'complaint' for it to be treated as such.

A complaint may be made by a current or former customer, a prospective customer, a third party affected by our actions, or a third party acting on their behalf with their permission.

### 5.4 Compliment

A compliment is an unsolicited expression of gratitude or praise for a member of staff or service area from either a colleague, any user of any YMCA Humber services or an external organisation. Compliments enable YMCA Humber to acknowledge and celebrate staff, understand where we are successful, and how we can replicate this success across services.

### 5.5 Suggestion:

We recognise that sometimes customers put forward a suggestion as to how we can improve our service without making a complaint. We will actively encourage people to make suggestions for improvement. This includes:

- Talking to customers while they are on the premises.
- Monitoring social media and online forums.
- Asking employees about customer feedback.
- Reading online reviews by customers.
- Customer feedback surveys and suggestion forms.
- Resident satisfaction surveys.

We recognise that suggestions may be things that take a longer time to respond to (as may include suggestions of significant changes to service or property standards). As such we will try to respond to suggestions, but this response will be on a more bespoke timeline.

### 5.6 Housing Surveys (Tenant Satisfaction Measures)

When YMCA Humber asks for feedback via customer satisfaction surveys, residents will be made aware of how they can pursue a complaint and will be provided with the complaint's procedure either in paper form or via a link to the YMCA Humber website.

## **6 REPORTING AND MONITORING**

We will use complaints as an opportunity to learn and implement remedies to prevent future recurrences, identify any lessons to be learned and service improvements to be made.

We will routinely monitor our performance in implementing this policy and report outcomes to the Board, the Trustee Responsible for Complaints and the Leadership Team. The Board will consider the impact of very serious complaints on the risk register.

The Board of Trustees will review the policy annually to ensure it is effective and comply with current legislation and good practice. Changes that are required will be progressed as necessary.

## **7 EXCLUSIONS**

7.1 The following complaints cannot be pursued through the Complaints process where the issue:

- This has already been raised through our complaints process and matters have previously been considered under the complaints policy.
- Is, has or should be handled through legal action and where legal proceedings have started. This is defined with the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Is an internal complaint raised by a member of staff or volunteer (which should instead be treated in line with the grievance or whistleblowing policies).
- Is raised anonymously/without means of speaking to complainant to substantiate the complaint.
- The issue giving rise to the complaint occurred over twelve months ago. Discretion will apply e.g. individual personal circumstances e.g. bereavement/illness; vulnerabilities; where a complainant has not been aware of the issue and could not be expected to bring the complaint forward sooner.

7.2 Where a complaint cannot be pursued through our complaints process, we will provide the customer with an explanation setting out the reasons why the matter is not suitable for the complaints process and the right to take our decision to: the Housing Ombudsman if their complaint is in relation to our landlord duties; OFSTED if their complaint is related to childcare; or the Charity Commission if the complaint is of a serious nature and related to the running of the charity. If these external regulators do not believe that the exclusion has been fairly applied, they may tell us to take on the complaint.

## **8 MAKING A COMPLAINT**

8.1 A complaint can be raised in any way and with any member of staff, including:

- Completing a complaint form and handing it in at reception at 21 Freeman Street, Grimsby.

- By email to [complaints@ymca-humber.com](mailto:complaints@ymca-humber.com)
- By letter to the Complaints Officer, YMCA Humber, 21 Freeman Street. Grimsby DN32 7AB.
- Complete a complaint form on the YMCA Humber Website.
- Verbally to a member of staff who will support the complainant to complete a complaint form.

8.2 A summary, step by step guide to the complaints policy will be made available in plain English at key points around our sites and on our website. Where a customer requires assistance in completing a form, assistance can be provided by a member of staff or by a third party such as the Citizens Advice Bureau.

8.3 A summary of this policy and a full copy will be made available on our website, including information about the Housing Ombudsman and the Housing Ombudsman Code and OFSTED.

8.4 Where the complaint concerns a Safeguarding issue relating to people in the care of YMCA, then the YMCA Humber Safeguarding Policy will apply.

8.5 The officer reviewing the complaint will also consider whether the seriousness of the matter triggers any regulatory reporting requirements. If there are any questions regards the appropriate steps to take, then the advice of the Leadership Team and/or Designated Safeguarding Lead will be sought.

## **9 EXCEPTIONAL VARIATION**

9.1 A small minority of customers may account for a disproportionate and unreasonably high volume of complaints, diverting significant time and resources away from other customers. The following are examples where a complainant could be considered as placing an unreasonable demand on the Charity and the provision of a decision with regards to the complaint:

- Requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another.
- Refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing new evidence, continuously adding to/or changing subject matter of the complaint.
- Refusal to co-operate (e.g. complaining without responding to clear and appropriate requests to clarify the complaint, and / or requests for further information to investigate it.)
- Verbal abuse, aggression, violence (this is not just limited to actual physical or verbal abuse but can include derogatory remarks, rudeness, inflammatory allegations, and threats of violence.)
- Overload of letters, calls, emails or contact via social media (this could include frequency of contact as well as the volume of correspondence received as well as the frequency / length of telephone calls).

9.2 A member of the Senior Leadership Team must confirm that a complainant is acting unreasonably. Where this is so we will:

- Provide a single point of contact.
- Limit contact to a single form – i.e., to writing, email or telephone only.
- Limit contact to certain times or to a limited number of times per week or month.

- d) Decline to give any further consideration to an issue unless any additional evidence or information is provided.
- e) Only consider a certain number of issues in a specific period.
- f) The above course of action will be confirmed in writing to the complainant, alongside an explanation as to why their complaint is considered unreasonable and what action is required to address this. We will review any such decision every 6 months.

9.3 Any new, unrelated complaints that are received during this time will be treated on their individual merits and will be dealt with accordingly.

## **10 SERVICE USER OR EXTERNAL COMPLAINT ABOUT A BOARD / COMMITTEE MEMBER, CHIEF EXECUTIVE OR LEADERSHIP TEAM MEMBER**

- a) Where a service user or external complaint is received about the behaviour of a Board / Committee member or the Chief Executive Officer, the investigation will be commissioned by the People, Policy & Compliance Committee.
- b) In commissioning this work, the Committee may choose to bring in an independent person to carry out the investigation if they consider it necessary to do so.
- c) Where the complaint is about a member of the People, Policy & Compliance Committee, then the Chair of Trustees will work with the Chief Executive to commission an investigation.

For the avoidance of doubt, this Complaints Policy is for service users or external complaints. For any internal matters relating to employment, volunteering or contracting concerns, then they should be raised under the Grievance Procedure.

## **11. DATA PROTECTION AND INFORMATION SHARING**

We will share relevant information with appropriate agencies in line with Data Protection Legislation that governs when and how we can share personal information.

## **12. STAFF TRAINING**

All employees are provided with details of the complaints processes and how to handle an initial complaint during their induction, and additional 'reflective' practices are undertaken following any complaint to ensure they are kept up to date with best practice.

## **13. COMPLAINTS HANDLING PROCEDURE**

### **13.1 Stage 1: Complaint**

A complaint will first be investigated at stage one of the complaints procedure. We will progress a complaint in a fair and transparent manner:

- a) Within **5 working days** we will acknowledge receipt of the complaint and provide an indication of when a substantive response to the complaint might be given. If we consider the matter to be a Service Request rather than a Complaint, then we will confirm that at this stage.

- b) The day we receive the complaint is day zero, unless the complaint is received outside of our core working hours in this instance, the date received will be logged as the following working day and counted as day zero.
- c) After acknowledging the complaint (above) we will contact the complainant (where appropriate) to arrange to meet and review the complaint and gather further information. We will also meet with members of staff and stakeholders as necessary to agree a response.
- d) No person subject to a complaint will be required to take part in the complaint investigation or consideration except at informal resolution stage and only if considered appropriate.
- e) Where the complaint is about the Chief Executive or a Trustee, then the investigation will be coordinated as per section 10 of this policy.
- f) After arranging to meet the complainant (or acknowledging the complaint if no meeting is proposed) we will write to the complainant setting out our findings and if necessary, offering a resolution. We will respond with a decision **within 10 working days** of the complaint being acknowledged.
- g) Our response will clearly set out the description of the complaint (the 'complaint definition') the decision made (whether it has been upheld/partially upheld/not upheld) and the reasons why, details of any remedies to put things right and any outstanding actions. It will also provide details of how to escalate the matter if unsatisfied.
- h) If this time limit cannot be met, we will write to the complainant within 10 working days of acknowledgement, explaining the reason for the delay, providing a revised date (which should not exceed a further 10 working days without good reason) and giving details of the Housing Ombudsman, OFSTED or the Charity Commission (where relevant).

13.2 If the complainant is not satisfied with the response to the complaint, they will have 14 working days in which to appeal. The procedure for making an appeal will be set out in the complaint response and an appeal must be made within 14 days.

13.3 If no appeal against the response to the complaint at Stage 1 is forthcoming, then the complaint will be considered to be closed. We will, however, exercise discretion and review requests to escalate after this time on a case-by-case basis.

#### 13.4 Stage 2: Appeal Against Decision

- a) If the customer is not satisfied with the outcome of Stage 1 of the procedure, or feels that the procedure has not been followed, the next step is to progress to stage 2.
- b) Within **5 working days** we will acknowledge receipt of the stage 2 complaint and provide an indication of when a substantive response to the complaint might be given.
- c) Complainants are not required to explain their reasons for requesting stage 2 consideration. We will, however, make reasonable efforts to understand why a complainant remains unhappy as part

of our stage 2 process.

- d) A review of the decision will be taken by a person who is not involved in the original decision. Where the complaint is about the Chief Executive Officer or Trustee, then this appeal stage will be coordinated as per section 10 of this policy.
- e) We will respond with a decision **within 20 working days** of the stage 2 complaint being acknowledged. Our response will clearly set out the description of the complaint (the complaint definition) the reasons for our decision (whether it has been upheld/partially upheld/not upheld), details of any remedies to put things right and any outstanding actions.
- f) If this time limit cannot be met, we will write to the complainant within 20 working days of acknowledgement, explaining the reason for the delay and providing a revised date (which should not exceed a further 20 days without good reason) and providing details for the Housing Ombudsman, OFSTED or the Charity Commission (where relevant).

### 13.5 Housing Ombudsman

Where the complaint relates to landlord services then complaints may be passed directly to the Ombudsman if the complaint has passed through all the internal procedures for considering complaints against the landlord. Residents can, however, contact the Housing Ombudsman at any point during the complaint process. They cannot investigate the complaint whilst it is going through the internal procedure, but they may help facilitate a resolution.

They can be contacted at:

Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

<https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

### 13.6 OFSTED: Wraparound Care provision

Any parent/carer may submit a complaint to Ofsted about any aspects of our registered childcare provision. Ofsted's role in complaints is to ensure that childcare providers are following all registration requirements and to take action if necessary.

Ofsted will review information received within complaints and decide what action to take. They may carry out an inspection, ask the provider to take action or work with other agencies. Ofsted will publish all complaints made against providers on their website.

They can be contacted at:

OFSTED, Piccadilly Gate, Store Street, Manchester M1 2WD

Telephone: 0300 123 4666

[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

<https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>

### 13.7 Charity Commission

Complaints can be made to the Charity Commission, after complaining directly to the charity first, if a charity is, for example:

- Not doing what it claims to do
- Losing lots of money
- Harming people
- Being used for personal profit or gain
- Involved in illegal activity

Visit the website first to determine whether the Charity Commission will accept the complaint –

<https://forms.charitycommission.gov.uk/raising-concerns/>

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## **Appendix 1.**

### **REPORTING RESPONSIBILITIES**

#### **The Board of Trustees:**

- Have appointed a Trustee Responsible for Complaints (TRC).
- The TRC will scrutinise and review complaints, reports and performance prior to consideration by the Board. They will be responsible for ensuring the governing body receives regular information on complaints that provides insight into the Charity's complaint handling performance and helps create a culture of openness and transparency in this area.

#### **Leadership Team:**

- The leadership team will have a nominated person to manage complaints and will hold the Complaints Officer designation for the purposes of the Housing Ombudsman Code.
- Senior Leader will be responsible for responding to complaints in their areas of responsibility.
- Will produce annual complaints report and action plan for the Board .
- Will present complaints data to the People, Policy & Compliance Committee.
- We will report Tenant Satisfaction Measures to the board of trustees on an annual basis.
- Will be responsible for reporting of complaints to each regulator is completed.
- Ensuring our website is regularly updated with relevant complaints information.

### **ADDITIONAL OFSTED REPORTING RESPONSIBILITIES RELATING TO THE CARE OF CHILDREN.**

In the event of any of the incidents listed below, YMCA Humber will:

- a) Notify the Chief Inspector (Ofsted) as soon as is reasonably practicable, and:
- b) Provide relevant information about the incident to the Chief Inspector as soon as possible, and no later than 14 days after the incident occurred.

#### **The following events must be reported:**

- The death, serious accident, or serious injury of a child while in our care.
- The death, serious accident, or serious injury of any other person occurring on the premises.
- The sudden and serious illness of any child receiving care through our provision.
- Any allegation of serious harm to or abuse of a child:
  - Occurring on the premises, by any individual, or
  - Occurring off the premises, involving someone who provides care for or has regular contact with the children in our provision.
- Any incident of food poisoning affecting two or more children attending the provision.