Jane Shipley

Founder and CEO | 07745585702

ELSA Next Generation C.I.C.

**COMPLAINTS POLICY AND PROCEDURE**

**ELSA Next Generation CIC (ELSA)**

1. **Introduction**

ELSA **will** provide its Service Users with a fair and high-quality service, within its stated aims and priorities and welcomes feedback from Service Users, Members, other individuals and Organisations we work with, on all aspects of our services. Such feedback is invaluable in helping us to improve our work.

*The purpose of this Complaints Policy and Procedure is to:*

* Provide a formal means for feedback to be dealt with, for both compliments and complaints;
* Ensure that everyone knows how to make a complaint;
* Ensure that complaints are dealt with consistently, fairly and quickly;
* Ensure that complaints are monitored and contribute to positive changes to improve our services.

*Our Policy covers complaints about:*

* The standard of service you should expect from us;
* The behaviour of staff, including the Ambassadors, paid Employees, Volunteers, Students, Interns or anyone working on behalf of ELSA when delivering that service;
* Any action, or lack of action, by our staff or others engaged in ELSA business.

*ELSA will:*

* Listen carefully to all complaints;
* Wherever possible treat complaints as confidential;
* Ensure that wherever possible, and except for reasons of legality or confidentiality, its management of complaints is open and transparent;
* Ensure that any staff, including the Ambassadors, paid Employees, Volunteers, Students, Interns, or anyone working on behalf of ELSA, who are named in a complaint, are made fully aware of the support mechanisms available to them;
* Record and store all information in accordance with the Data Protection Act;
* Fully investigate the complaint quickly and effectively;
* Write to the Complainant with the results of the investigation, inform them of any actions implemented to prevent a re-occurrence and tell them of any right of appeal;
* Report at each Ambassador’s meeting the number of compliments and complaints received, the findings of any investigations and actions taken.

This Policy and Procedure does not replace any legal rights an individual or Organisation may wish to explore.

**2. Definitions**

A Complaint is any expression of dissatisfaction by anyone using our services whether justified or not. An individual or other Organisation may make a complaint if they feel that ELSA has:

* Failed to provide a service or acceptable standard of service;
* Delayed in providing a service;
* Made a mistake in the way it has provided a service;
* Provided an unfair service;
* Failed to act in a proper way;

At all times legal, statutory or professional investigations will take primacy over the Complaints Policy and Procedure and we will not undertake any actions that may compromise any external investigations.

*In such cases:*

* The Complaints Policy and Procedure will be initiated, and ELSA may take such action to protect Clients, Users, or this Organisation through suspension of staff, including the Ambassadors, paid Employees, Volunteers, Students, Interns, or anyone working on behalf of ELSA;
* Once immediate actions have been taken the Complaints Policy will become suspended until such a time as any legal procedures or investigations are completed to the satisfaction of the external Agencies concerned;
* We will keep full and accurate records of all actions in respect of such a complaint.

In situations where a complaint may have financial or legal consequences for this Organisation, our Insurers require us to cease direct contact with the Complainant. It may then be necessary, in the best interests of the Complainant, to refer them to a third party, both for assistance with the complaint and to ensure that their service needs are met.

**3. Data Protection**

To process a complaint ELSA will hold data about a Complainant, which the individual provides, and which other people give when investigating the complaint. We will hold this data securely and only use it to help address the complaint. The identity of the person making the complaint will only be made known to those needing to consider the complaint and will not be revealed by ELSA to other people or made public. However, it may not be possible to preserve confidentiality in all circumstances, for example, where relevant legislation applies, or allegations are made which involve the conduct of third parties.

Under the Freedom of Information Act 2000, individuals have a right to obtain a copy of their personal data. However, there are exceptions to this right. ELSA will normally destroy its Complaints files in a secure manner after the complaint has been closed.

**4. Monitoring**

Complaints are an important tool, which alongside other user feedback and evaluations, will allow ELSA to learn about the services we provide. They provide a useful source of information about how individuals see our services and how we are serving them.

*To ensure that we learn from complaints the following information will be collected:*

* Name and address of Complainant;
* Date complaint received;
* Name of person dealing with the complaint;
* Date of response to the complaint;
* Nature of the complaint;
* Action(s) taken and recommendations made in response to the complaint (where appropriate);
* Lessons learnt.

Complaints information will be considered on a regular basis, reported to the Ambassador’s, and wherever possible the information will be used to improve and develop services.

If ELSA receives a complaint about another member of the Organisation the formal complaints procedure will be used, and we will also carry out any actions in accordance with our Constitution.

**5. The Procedure**

There are two Stages to the Complaints Procedure:

*Stage One: The Complaint;*

a) What you need to do;

* Write to ELSA explaining your complaint as fully as possible;
* Your letter should be addressed to the Director Jane Shipley, 37 Brampton Park Road, Hitchin, SG5 1XF and marked Private and Confidential;
* Please include your name, a contact address and telephone number and the name of the Organisation you represent, if appropriate;
* ELSA cannot respond to anonymous complaints.

If your complaint directly concerns Director Jane Shipley you can send your complaint to any Ambassador marked Private and Confidential, care of the Registered Business Address as shown at the base of this Policy document.

b) What we will do;

If an individual prefers to make a verbal complaint then the person dealing with it must record the details on a document, which you will be asked to sign. If an individual asks for a copy of the Complaints Policy and Procedure and a Complaints Form, we will send these out where possible on the same day, or within three working days of the request.

On receiving a complaint, we will ensure that it is logged. Director Jane Shipley will contact you with written confirmation that your complaint has been received and that an investigation has begun. If Director Jane Shipley is not available, another member of the ELSA Team will deal with the matter. Director Jane Shipley may be able to resolve the complaint quickly by way of an apology, or by providing the service required or by providing an acceptable explanation.

If it is not possible to resolve the complaint quickly then the Director, Jane Shipley, or another member of the ELSA Team, will fully investigate the complaint by interviewing any relevant staff. Director, Jane Shipley may seek advice from our Insurers and/or from external advisers.

If the investigation is likely to be time-consuming or complex, Director Jane Shipley may involve up to two other members of the ELSA Team. Notes will be taken of any interviews and the interviewees will receive a copy. Director Jane Shipley will list any evidence seen (e.g. files, E-mails etc.).

All parties involved in the investigation will be required to keep the matter private and confidential. You will receive a Complaint Summary of what has been done to investigate the complaint and any proposed action to remedy the situation. Having received this Summary, you then need to reply, indicating if you are satisfied with the outcome of the investigation or not. If you are dissatisfied with the outcome the complaint moves to Stage 2.

*Stage 2 – Appeal against* Director, Jane Shipley and the *decision;*

a) What you need to do;

If you are dissatisfied with the decision that has been made you can appeal. This must be done within ten working days of having received the Complaint Summary. You make your appeal in your Summary Reply, by indicating that you are not satisfied and wish to move to Stage 2 of the Complaints Procedure.

b) What we will do;

You will be invited to make your appeal in person to an ‘Appeals Panel’ consisting of two ELSA Representatives not previously involved in the investigation, or external Appointees if there are not sufficient representatives to meet this number. They will have been given a copy of the Complaints Summary but will not have discussed the matter with the Investigator or the staff involved.

The role of the Appeals Panel is to see if your complaint has been dealt with properly and fairly and whether an appropriate decision has been reached, not to re-investigate the complaint. Where the complaint is against a member of staff, including the Ambassadors, paid Employees, Volunteers, Students, Interns, or anyone working on behalf of ELSA, that person will be given the opportunity to submit a written statement to the Appeals Panel. This will be considered alongside the original complaint, the Complaints Summary and any action suggested to remedy the situation.

You will be given at least seven days’ notice of the date, time and venue of the Appeals Panel meeting and all reasonable efforts will be made to hold the meeting at a time convenient to you. You may bring someone to assist you, or to witness the procedure. The Appeals Panel will write to you within seven days to notify you of its decision and any actions to be taken to address the complaint. The Appeals Panel’s decision will be final, and no participation in further correspondence.

**6. How we will behave towards a person against whom a complaint has been made**

Sometimes the Organisation will receive a complaint about a person who is believed to have done something wrong. In these instances, a written complaint will be needed.

If the complaint is made against:

* *a member of staff including the Ambassadors, paid Employees, Volunteers, Students, Interns, or anyone working on behalf of ELSA,* it should be addressed to Director, Jane Shipley;
* *a Service User/Client*, it should be addressed to Director, Jane Shipley;
* *Director, Jane Shipley,* it should be addressed to the Ambassador’s;
* *An Ambassador*, it should be addressed to Director, Jane Shipley.

The Organisation will treat the person against whom a complaint has been made as fairly as the Complainant. They will be given a copy of the complaint made, which may be anonymised to protect the confidentiality of the Complainant.

* The person being complained about will be given the fullest opportunity to answer any criticisms and assistance and support will also be available for them if required;
* They will be asked to provide a written statement responding to the complaint, including identifying any witnesses to the event;
* In recognition of the stressful situation, the person being complained about will be offered support from the Organisation in accordance with the resources available. This may be an individual, who is identified to provide a listening ear and practical support in terms of helping them to complete a written response and explaining the process;
* The person being complained about will be kept informed of progress throughout the process, and along with the Complainant, will receive a copy of the Complaint Summary;
* If you are dissatisfied with the decision that has been made you can appeal. You make your appeal in writing to Director Jane Shipley and Ambassadors. You will then be required to follow the process outlined in Stage 2 of the Complaints Procedure.

The Organisation has different Policies and Procedures in place to ensure good, effective management of the Organisation and delivery of services. Depending on the nature of the complaint these Policies and Procedures may be used either alongside, or instead of the Complaints Procedure.

Whilst it is not uncommon for people to look for someone to blame when things go wrong, the person being complained about will be assured that this is not the aim of investigating a complaint. It will be made clear that the investigation of a complaint is to establish facts to try and find out what, if anything, has gone wrong and identify any learning from the situation.

In the case of ELSA staff, they will be reassured that the investigation does not form part of a Disciplinary Procedure, but that a separate disciplinary process could take place if this was found to be appropriate. In the case of Volunteers this would be via the Volunteer and Equal Opportunities Policy. In the case of Ambassadors this would be via the Ambassador’s Code of Conduct.

Where the complaint is about a Service User/Client, who is not a member of the Organisation, then its Client Code of Conduct and Equal Opportunities Policy and Procedure will be used.

**Interviews**

When the investigation requires a person being complained about to attend for an interview, they will be told the purpose of the interview, what to expect and what preparation they need. They will be advised they can bring someone (such as a friend, colleague for support – although the position of confidentiality and their role should be made clear). They will also be told about the procedure after the interview.

Publicising the learning outcomes of complaints.

As well as informing all those involved of the outcomes of complaints and any recommendations that arise, ELSA will, via for example the staff Newsletters and Annual Report, let all staff and Service Users/Clients know about the way in which we deal with complaints and how we have learnt from the experience in terms of changes in recommended conduct or changes in Policies. ELSA is aiming for a culture where reporting a complaint and action taken is seen as a positive act because it assists organisational learning and contributes to better services.

**Persistent and vexatious complaints/complainants**

**1. Unacceptable behaviour.**

ELSA recognises that from time to time there will be people who repeatedly file persistent, trivial or vexatious complaints. Should this arise the complaint/Complainant may be dealt with in a different way than determined in the Procedure to minimise the resources required to investigate the complaint. Deviation from the Procedure will only be acceptable if a complaint or the behaviour of the Complainant is clearly unacceptable or trivial.

**2. Examples of unacceptable behaviour.**

Examples of unacceptable behaviour include:

* Aggressive or abusive behaviour;
* Persistent complaints about the same issue when that issue has previously been investigated and closed in accordance with this Policy,
* Trivial or frivolous complaints that do not warrant action;
* Malicious or vexatious complaints that seek to discredit the Organisation, Trustees, Employees or Partner Organisations.

**3. Managing unacceptable behaviour.**

ELSA will not tolerate aggressive or abusive behaviour towards their Employees, other Service Users/Clients, Members, or Employees of Partner Organisations. In the event that a member of staff feels they are being treated in an aggressive or abusive manner they should advise the Complainant their behaviour is unacceptable and terminate any conversation or meeting and inform Director, Jane Shipley of the situation. Director Jane Shipley will determine what further action is appropriate.

**4. Resolution.**

ELSA will take all reasonable steps to investigate and resolve complaints in accordance with this Complaints Policy and Procedure, however, reserves the right to decline investigation of complaints that are deemed unreasonable or trivial. The decision to decline an investigation into a complaint can only be taken by Director Jane Shipley after careful consideration of the circumstances. Complainants will be notified in writing of any decision not to investigate a complaint considered to be unreasonable or trivial and the reasons for the decision. The Ambassadors will be notified of all decisions not to proceed with an investigation into a complaint and the circumstances.

*Policy updated 25th July 2025 Date to Review: 25th July 2026*

*Signed: Jane Shipley Founder and CEO of ELSA, Jane Shipley*

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c/o Hicks and Co

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