



## Complaints procedure

## Who can make a complaint?

Any person, including members of the public, may make a complaint to Charity for Action on Spiritual Abuse about any provision of facilities or services that we provide. If the person making the complaint is doing so on behalf of a service user, they must demonstrate that they have consent to do so from the service user.

## The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Charity for Action on Spiritual Abuse takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, a trustee will deal with the concern.

We understand however, that there are also occasions when people would like to raise their concerns formally. In this case, a trustee will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either Simon Plant (staff) or Ruth Appleton (trustee). If the issue remains unresolved, the next step is to make a formal complaint. If the concern relates to Simon or Ruth a trustee will be notified and they will deal with the complaint to ensure there is no conflict of interest.

Complaints against Simon Plant or Ruth should be made to a Trustee via the email address [safeguarding@actiononspiritualabuse.org.uk](mailto:safeguarding@actiononspiritualabuse.org.uk). Please mark them as Private and Confidential and FAO of Trustees.

Complaints that involve or are about a trustee should also be addressed to the Chair of Trustees, via the Charity for Action on Spiritual Abuse email box [safeguarding@actiononspiritualabuse.org.uk](mailto:safeguarding@actiononspiritualabuse.org.uk). Please mark them as Private and Confidential and FAO Chair of Trustees.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, you can ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing

information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, Simon Plant or Trustees, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

We would encourage you to raise concerns or complaints as soon as you can. This enables these to be resolved as soon as possible.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of services by Charity for Action on Spiritual Abuse.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Charity for Action on Spiritual Abuse in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, Charity for Action on Spiritual Abuse wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review policies in light of the complaint
- an apology.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Stage 1

Formal complaints must be made to a Trustees. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Trustee will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

Within this response, the Trustee will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Trustee can consider whether a meeting is the most appropriate way of doing this (online for geographical reasons). During the investigation, the Trustee will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Trustee will provide a formal written response within 15 working days of the date of receipt of the complaint.

If those handling the complaint are unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Charity for Action on Spiritual Abuse will take to resolve the complaint.

The Complaint handler will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire board of trustees or
- the majority of the board of trustees

Stage 1 will be considered by an independent investigator appointed by the board of trustees. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the board of trustees complaints committee, which will be formed of the first three, impartial, trustees available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Chair of Trustees, via the complaints email, within 10 working days of receipt of the Stage 1 response.

The Chair of Trustees will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Chair of Trustees will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 5 working days of receipt of the Stage 2 request. If this is not possible, the Chair of Trustees will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three trustees from Charity for Action on Spiritual Abuse available, the Chair will source any additional, independent persons in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, an employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 working days before the meeting, the Chair will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible. It is likely that this will be online due to geographical considerations.
- request copies of any further written material to be submitted to the committee at least 5 working days before the meeting.

Any written material will be circulated to all parties at least 2 working days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or accessibility needs require it. Prior

knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Charity for Action on Spiritual Abuse's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Charity for Action on Spiritual Abuse with a full explanation of their decision and the reason(s) for it, in writing, within 5 working days.

The letter to the complainant will include details of how to contact the Charity Commission if they are dissatisfied with the way their complaint has been handled by Charity for Action on Spiritual Abuse.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trustee body or
- the majority of the trustee body

Stage 2 will be heard by a committee of independent persons.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Charity for Action on Spiritual Abuse will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## Next Steps

If the complainant believes Charity for Action on Spiritual Abuse did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under Charity law, they can contact the Charity Commission after they have completed Stage 2.

The Charity Commission will not normally reinvestigate the substance of complaints or overturn any decisions made by Charity for Action on Spiritual Abuse. They will consider whether Charity for Action on Spiritual Abuse has adhered to Charity legislation and any statutory policies connected with the complaint.

The complainant can make a complaint about Charity for Action on Spiritual Abuse to the Charity Commission. Information about how to make a complaint about a charity can be found here.

<https://www.gov.uk/complain-about-charity>.

## Complaint Form

Please complete and return to a Trustee who will acknowledge receipt and explain what action will be taken.

Your name:
Beneficiary's name (if relevant):
Your relationship to the beneficiary (if relevant):
Address:  Postcode: Day time telephone number: Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at Charity for Action on Spiritual Abuse about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the charity in seeking a solution to the complaint

- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Trustees that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Trustees will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Trustees and Charity Commission (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the person complained of are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the person complained of and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting
- survivor victims may face difficulties in engaging due to the impact of past trauma