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## Complaints Policy

### 1. Complaints Policy Statement

West Cornwall Women's Aid (WCWAid):

- is committed to providing services of a good standard to service users, other agencies and organisations
- will take seriously any concern or complaint about WCWAid's services and will look into it promptly, for resolution as quickly as practicable
- recognises that all service users, agencies and organisations have the right to raise concerns or complaints about WCWAid's services and need access to clear information on how to voice complaints and concerns
- will ensure WCWAid's concerns and complaints procedure is open to everyone who receives or requests a service from WCWAid and to people acting on their behalf
- will deal with complaints in accordance with WCWAid's policies
- will keep a register of all complaints, which will be reviewed at each meeting of the Governance Sub-Committee of the Board of Trustees
- will make reviewing concerns and complaints part of the process of monitoring the quality, effectiveness and non-discriminatory nature of its services
- will require all staff, volunteers and Trustees to read, understand and comply with this policy and its procedures

### 2. Introduction

2.1 WCWAid strives for good standards in service delivery and welcomes feedback from individuals, users of our services, stakeholders, funding bodies and anyone who works with us, on all aspects of our services. Such feedback is invaluable in helping us evaluate and improve our work.

2.2 The objectives of WCWAid complaints policy and procedures are to:

- Ensure everyone knows how to make a complaint and how a complaint will be handled
- Ensure that complaints are dealt with consistently, fairly and sensitively within clear time frames
- Provide individuals with a fair and effective way to complain about our work
- Ensure that complaints are monitored to improve our services

2.3 WCWAid will ensure that we:





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- Listen carefully to complaints and treat complaints as confidential, where possible
- Record, store and manage all complaints accurately and in accordance with the Data protection Act
- Investigate the complaint fully, objectively and within the stated time frame
- Notify the complainant of the results of the investigation and any right of appeal
- Inform the complainant of any action that will be implemented
- Report on an annual basis to the Board of Trustees, the number of complaints received, the outcomes and any actions taken.

### 3. Definition of a complaint

3.1 A complaint is any expression of dissatisfaction by an individual, whether justified or not.

3.2 An individual may make a complaint if they feel WCWAid has:

- Failed to provide a service or an acceptable standard of service or made a mistake in the way the service was provided
- Failed to act in a proper way
- Provided an unfair service

3.3 This policy and procedure relates only to complaints received about WCWAid and its services.

### 4. Concern or Complaint

4.1 It is important to establish the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the likelihood of their developing into formal complaints.

4.2 Concerns about our work should be reported to a staff worker or their manager as soon as possible, so they can quickly understand any concerns and try to put things right.

4.3 If the complainant is not happy with the response to their concern and/or they want to make a formal complaint the procedure below should be followed.

### 5. Complaints Procedure





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5.1 If a person or organisation wishes to make a complaint about the behaviour, action of a member of staff, a volunteer or any aspect of West Cornwall Women's Aid's service we would encourage them, in the first instance, to talk to the person concerned, informally and try to resolve the situation. **If** they are dissatisfied by the response they receive or feel unable to raise the matter with the person concerned then the complaint can be made in writing. The complainant can do this by writing us a letter telling us about what the issue is and what they would like us to do about it. Details of who the complaint should be addressed to can be found in section 6, point 2.

5.2 There are two stages to the complaint's procedure, with additional stages to address appeals, if applicable

- Stage One – the complaint
- Stage Two – investigation
- Stage Three – appeal
- Stage Four – further appeal

## 6. Stage One - Complaint

6.1 The complaint must be made in writing and can either be written by the person wishing to make the complaint or, if the individual prefers, they can tell someone at WCWAid, or someone else, who will write it down for them. If the complaint is written by someone other than the person making the complaint transcribed by a third party, WCWAid may require verification of the complaint

6.2 Individuals wishing to make a complaint should either write to West Cornwall Women's Aid, PO Box 94, Penzance TR18 2XP or send an email to the manager of the person who provided the service at their direct email address below

Community Services Manager – [communityservices@wcwaid.co.uk](mailto:communityservices@wcwaid.co.uk)

Refuge Manager – [refugemanager@wcwaid.co.uk](mailto:refugemanager@wcwaid.co.uk)

Counselling Services Manager – [counsellingmanager@wcwaid.co.uk](mailto:counsellingmanager@wcwaid.co.uk)

Finance Manager – [admin@wcwaid.co.uk](mailto:admin@wcwaid.co.uk)

Development Manager – [development@wcwaid.co.uk](mailto:development@wcwaid.co.uk)

Head of Operations – [headofops@wcwaid.co.uk](mailto:headofops@wcwaid.co.uk)

Chief Executive Officer – [manager@wcwaid.co.uk](mailto:manager@wcwaid.co.uk)

The Board of Trustees reserve the right to appoint a person, deemed by the Board's HR Subcommittee to be of equivalent standing, to deal with the complaint in lieu of the relevant manager.





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6.3 If the complaint is about the CEO the complaint should be made to the Board of Trustees at [trustees@wcwaid.co.uk](mailto:trustees@wcwaid.co.uk). A member of the Board or external person will be appointed to investigate, following the steps detailed in Stage Two.

6.4 The complaint must include the complainant's name and address and the nature and date of the complaint and how they want to see it resolved. The complaints form can be requested and can be sent to the complainant or collected by the complainant.

6.5 On receipt, each complaint will be logged on the complaints register. The line manager will write to the complainant, acknowledging receipt of the complaint, as soon as possible and within five working days of receiving it.

## 7. Stage Two - Investigation

7.1 All complaints at this stage will be investigated by a manager (unless the complaint the CEO, in which case it will be investigated by the appropriate person, as described in Stage One). They may need to speak with the complainant by telephone or in person and may invite the complainant to a meeting. If the complainant is invited to a meeting they may bring a supporter with them to the meeting.

7.2 Within 15 working days of WCWAid receiving the complaint a manager will write to the complainant outlining their findings and the action WCWAid will take, including any recommendations/remedies made, such as reviewing of policies, staff development and training or appropriate improvement to our services.

7.3 Where the complaint is upheld an apology should be offered.

7.4 Occasionally investigations may take longer, particularly if the complaint is complex. Should this be the case a holding letter will be sent after ten working days and a final date given for a conclusion to be reached.

7.5 If an individual remains dissatisfied with the outcome from Stage Two they can appeal within fourteen working days of the date of the outcome and progress to Stage Three.

7.6 The complaints register will be updated, and any pending complaints flagged so they are followed up

## 8. Stage Three - Appeal



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8.1 If the complaint cannot be resolved to the complainant's satisfaction at stage two, or if the investigator feels that the complaint is of a very serious nature, , then it will be referred to the Head of Operations or CEO as appropriate (or the Chair of Trustees, in the event that the complaint concerns the CEO).

8.3 T The request for review of the complaint will be acknowledged within 10 workings days. The appropriate person will review the Stage Two investigation and recommend one of the following actions within 30 working days (from the date the complainant stated they wanted to take the complaint to stage 3):

- Uphold the action taken at Stage Two
- Make changes to the Stage Two recommendation/actions
- The complainant will be informed in writing of the outcome of Stage Three

## 9. Stage Four – Further Appeal

9.1 If the complaint cannot be resolved to the complainant's satisfaction at Stage Three, then it will be referred to the Chair of Trustees.

9.2 If the complaint has already been addressed by the Board of Trustees, due to the seniority of the staff member named, there is no further recourse for appeal within WCWAid, and the decision of the Board of Trustees is final.

9.3 The Chair of Trustees will acknowledge receipt of the review request within 10 working days , they will review the Stage Three investigation and recommend one of the following actions within 30 working days (from the date the complainant stated they wanted to take the complaint to Stage 4):

- Uphold the action taken at Stage Three
- Make changes to the Stage Three recommendation/actions

9.4 The complainant should be informed in writing of the outcome of Stage Four and the decision reached about this complaint will then be final but other options available to the complainant (as listed below) should be detailed in the letter.

9.5 If after WCWAid has been through the four stages and the complainant is still not satisfied with the result, they should be advised that there is no further right of appeal with WCWAid but they could approach any of the following agencies for advice:

- A solicitor





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- Citizens Advice Bureau

This should be done within one month of receiving the outcome from the appeal.

## 10. Anonymous complaints

10.1 Complaints received anonymously will be recorded and considered, but action may be limited if further information is required to ensure a full and fair investigation.

## 11. Abusive, persistent or vexatious complaints.

Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for our organisation. This can happen either while their complaint is being investigated, or once we have finished dealing with the complaint.

We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

We will not normally limit the contact which complainants have with our staff or premises. We take a trauma-informed approach, which applies to both our service users and our staff (paid and unpaid). Therefore, should a complainant's behaviour become abusive or intimidating, we reserve the right to limit contact.

We understand people's behaviours and presentation may be affected by trauma and/or distress. There may have been upsetting or distressing circumstances leading up to the contact with the Charity. The Charity does not view behaviour as unacceptable just because an individual is forceful or determined, however there are limitations to what behaviour is acceptable.

Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone or in written communication
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Sending multiple/excessive emails
- Leaving multiple/excessive voicemails
- Sending multiple/excessive text messages
- Threatening to self-harm in order to influence WCWAID's decision-making or practice





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We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will apply this part of the policy.

Raising legitimate queries or criticisms of the complaints procedure as it progresses, for example if agreed timescales are not met, will not in itself lead to the complaint being regarded as vexatious.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, will not necessarily cause them to be viewed as unreasonably persistent.

The aim of this part of the policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff and service users.

We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contact with WCWAID, hinder our consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.

Examples include the manner or frequency that complainants raise their complaint, or how complainants respond when informed of our decision about the complaint.

Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature imply that the complaint and the person making it will be considered as being unreasonably persistent and/or vexatious).

An unreasonably persistent and/or vexatious complaint may be one where:

- There are no specified grounds for the complaint despite efforts by WCWAID to gather information from the complainant
- The complainant refuses to co-operate with the complaints investigation process but still wishes their complaint to be resolved





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- The complaint is about issues not within the power of the organisation to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
- The complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by a Trustee)
- There appears to be groundless complaints about the staff dealing with the complaint, and an attempt to have them dismissed or replaced
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, texts, telephone calls or emails)
- Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- The complainant denies statements they made at an earlier stage in the complaint process
- The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved





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- The complaint is the subject of an excessively “scattergun” approach; for instance the complaint is not only submitted to our organisation, but at the same time to a Member of Parliament, other organisations, our auditors, the police, solicitors etc
- The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- The same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- The complaint is submitted and persistently pursued through different departments at the same time
- The complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- Documented evidence is not accepted as factual by the complainant
- The complaint relates to an issue based on a historic and irreversible decision or incident
- The complaint combines some or all of these features

We will ensure that the complaint is being, or has been, investigated properly according to our complaints procedure.

In the first instance the manager investigating the complaint will consult with their manager or the Board of Trustees prior to issuing a warning to the complainant. The manager will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. If the complainant is contacted by phone, the manager will explain that the complainant is on speaker phone and that there is a second person present who will be recording the call by taking notes. The manager will explain the actions that our organisation may take if the behaviour does not change.

If the disruptive behaviour continues, a senior manager will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact





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our organisation in future will be restricted. The senior manager will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter.

Any restriction that is imposed on the complainant's contact with our organisation will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Instructing the complainant to cease making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
- Instructing the complainant to cease sending emails to individual and/or all of our staff members and insisting they only correspond by letter
- Instructing the complainant not to attend WCWAid premises OR to only attend by appointment
- Instructing the complainant not to make contact with anyone connected with WCWAid
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Informing the complainant that our organisation will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)
- Informing the complainant that any further complaints from them will only be considered if a senior manager agrees that it warrants investigation

When the decision has been taken to apply this policy to a complainant, a senior manager will contact the complainant in writing to explain:





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- Why we have taken the decision
- What action our organisation is taking
- The duration of that action
- The review process of this policy
- The right of the complainant to contact the Charity Commission about the fact that their complaint has been treated as a vexatious/persistent

The Senior Manager will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Senior Manager may decide to refuse all contact with the complainant and stop any investigation into their complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

12. New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

New complaints from people who have come under this policy will be treated on their merits. A Senior Manager will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a "blanket policy" of ignoring genuine service requests or complaints where they are founded.

The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the organisation.

Adequate records will be retained by our organisation of the details of the case and the action that has been taken, which are intended to include key information, for example:

- The name and address of each service user who is treated as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the relevant internal managers were advised





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### 13. Data protection

13.1 To process a complaint WCWAid will hold personal data about the complainant, which the individual provides, and which other people give in response to the complaint. We will hold this data securely and only use it to address the complaint. The identity of the person making the complaint will only be known to those who need to consider the complaint and will not be revealed to other people or made public. However, it may not be possible to preserve confidentiality in some circumstances, for example, where relevant legislation applied or allegations are made which involve the conduct of third parties.

13.2 WCWAid will normally destroy complaints files in a secure manner 7 years after the complaint has been closed.

### 14. Monitoring

14.1 Complaints are an important tool which, alongside data provided by exit surveys, stakeholder surveys, user feedback and focus groups, will allow us 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 we can learn from complaints the following data will be collected:

- Name and address
- Name of person dealing with the complaint
- Date of complaint and response
- Nature of complaint
- Action(s) taken/recommendations made in response to the complaint
- Lessons learnt

14.2 Complaints information will be considered on a regular basis by the Management Team and reported annually to the WCWAid Board of Trustees. Wherever possible the data will be used to improve and develop the service.

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