

COMPLAINTS POLICY

APPROVED BY: THE BOARD OF TRUSTEES

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1. AIM

Being The Cure (BTC) aims to meet its statutory obligations when responding to complaints from parents of pupils..

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

BTC will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on our [website](#). Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. LEGISLATION AND GUIDANCE

This policy has been written in line with the [government guidance on whistle-blowing](#) and the [Charity Commission's guidance](#) on whistleblowing. We also take into account the [Public Interest Disclosure Act 1998](#).

3. DEFINITIONS AND SCOPE

3.1 DEFINITIONS

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. This is not to be confused with a **concern** which is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”

3.2 SCOPE

We intend to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Safeguarding matters
- Whistleblowing
- Staff grievances
- Staff discipline

4. ROLES AND RESPONSIBILITIES

4.1 THE COMPLAINANT

- The complainant will get a more effective and timely response to their complaint if they:
 - Follow these procedures

- Co-operate with BTC throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect

4.2 THE INVESTIGATOR

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the CEO or board of trustees which includes the facts and potential solutions

➤ Ideally this individual will be independent of the complaint being made, however this may not be possible depending on the context of the complaint.

4.3 THE COMPLAINTS CO-ORDINATOR

The complaints co-ordinator can be:

- The CEO
- A trustee
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the CEO, the chair of trustees, and any other relevant bodies.
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

4.4 LEAD ADMINISTRATOR

The Lead Administrator will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.5 THE COMPLAINTS' TRUSTEES

The complaints' trustee will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. PRINCIPLES FOR INVESTIGATION

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. STAGES OF COMPLAINT

The complaints procedure involves three stages. Most complaints will be dealt informally and BTC will try its best to resolve all complaints at this first informal stage. If the complaint is not resolved informally, then it will be escalated to a formal complaint stage. If the complaint remains unresolved, a review panel will be established to resolve it.

6.1 STAGE 1: INFORMAL

BTC will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or DSL, either in person or by letter, telephone (02081528639) or email (info@beingthecure.org). If the complainant is unclear who to contact or how to contact them, they should contact the charity through the contact options provided on the website at www.beingthecure.org.

BTC will acknowledge informal complaints within 5 working days and investigate and provide a response within 2 working weeks.

The informal stage will involve a meeting between the complainant and a relevant member of BTC staff.

If the complaint is not resolved informally, it will be escalated to a formal complaint

6.2 STAGE 2: FORMAL

The formal stage involves the complainant putting the complaint to the CEO (in situations where the CEO is the subject of the complaint please see section 7)

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the charity administration at info@beingthecure.org.

The CEO 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.

The CEO (or other person appointed by the CEO for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 2 working weeks.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the board of trustees within 5 working days after the receipt of the conclusion from the CEO/person appointed.

6.3 STAGE 3: REVIEW PANEL

CONVENING THE PANEL

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage. The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the charity. The panel cannot be made up solely of trustees, as they are not independent of the management and running of the charity.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel. BTC will aim to find a date within 2-3 working weeks of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, BTC will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties ahead of the meeting.

AT THE MEETING

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant, and representatives from the charity, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and has the right to be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a charity employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the charity representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the the CEO.

THE OUTCOME

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to BTC's systems or procedures to prevent similar issues in the future

BTC will inform those involved of the decision in writing within 5-10 working days.

7. COMPLAINTS AGAINST THE CEO OR A TRUSTEE

7.1 STAGE 1: INFORMAL

Complaints made against the CEO or one of the trustees (not the chair) should be directed to the chair of the board of trustees.

If the complaint is about the chair or vice-chair, a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6 above).

7.2 STAGE 2: FORMAL

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire board of trustees or
- The majority of the board

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the board of trustees and will write a formal response at the end of their investigation.

7.3 STAGE 3: REVIEW PANEL

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire board of trustees or

- The majority of the board

A committee of independent trustees will hear the complaint. They will be sourced from local charities, schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

8. PERSISTENT COMPLAINTS

8.1 UNREASONABLY PERSISTENT COMPLAINTS

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the charity's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory, or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance, or excessive demands on the charity's time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

STEPS WE WILL TAKE

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain

our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the charity in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

STOPPING RESPONDING

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our any of our sites.

8.2 DUPLICATE COMPLAINTS

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to consider.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete

If there are new aspects, we will follow this procedure again.

8.3 COMPLAINT CAMPAIGNS

Where the charity receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the charity, we may respond to these complaints by:

- Publishing a single response on BTC's website
- Sending a template response to all of the complainants

If complainants are not satisfied with the charity's response, or wish to pursue the complaint further, the normal procedures will apply.

9. RECORD KEEPING

BTC will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the charity commission (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a charity audit.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, and our privacy notices/retention clauses in our data protection policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of trustees in case a review panel needs to be organised at a later point.

Where the board is aware of the substance of the complaint before the review panel stage, the charity will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

10. LEARNING LESSONS

The board of trustees will review any underlying issues raised by complaints with the CEO, where appropriate, and respecting confidentiality, to determine whether there are any improvements that BTC can make to its procedures or practice to help prevent similar events in the future.

11. MONITORING ARRANGEMENTS

The board of trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The board will track the number and nature of complaints, and review underlying issues as stated in section 10.

This policy will be reviewed by the board of trustees every 2 years.

At each review, the policy will be approved by full board of trustees.

12. LINKS WITH OTHER POLICIES

- Safeguarding and Child Protection Policy
- Staff grievance procedures
- Whistleblowing Policy
- Data Protection Policy

Can be found at: www.beingthecure.org/policies