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## PROCEDURE: COMPLAINTS

### PURPOSE:

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Ensure that all complaints and 'concerns' are dealt with swiftly and appropriately.

### SCOPE:

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All members of staff

### DOCUMENTS:

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- Complaints Log
- Parent's/Carer's Complaints Procedure 12A
- Customer Satisfaction Procedure – Learner and Employer
- Policy 34 Whistle Blowing
- Procedure 42B Whistle Blowing
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### **Concerns and Complaints - Introduction**

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 generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

First Rung aims to work in partnership with parents/carers and other stakeholders such as local authorities and employers, in the best interests of learners. Any concern or complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed and aim to resolve it through open dialogue and mutual understanding.

### **Stage 1 (Informal)**

Our complaints procedure is not intended to replace the normal informal discussions which take place between First Rung Staff, learners and external stakeholders (including employers) about problems and concerns as they arise. Many issues can be resolved through this dialogue. These may include issues such as:

- learner's work or progress,
- learner relationships with staff
- relations with other learners
- learner's personal welfare
- employer concerns
- parent/carers concerns
- other stakeholder concerns

Concerns and complaints should be raised with the relevant Centre Manager in the first instance. On receiving notification of the complaint and concern, the Centre Manager will acknowledge it in writing set out arrangement for resolving the matter informally within a period of 2 weeks. This process will normally involve an investigation that includes meetings with the complainant and the subject of the complaint or concern. Where appropriate a mediation meeting between the complainant and any staff member who is the focus of the complaint of concern will be held. By the end of the 2 week period the outcome of this process the Centre Manager will respond to the complainant letting him/her know the outcome of the process and what action(s) if any are being taken to address the concerns or concerns raised.

### **General Principles Regarding Any Complaint**

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- All stages of the complaint's procedure will be investigatory rather than adversarial
- Confidentiality will always be respected
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales

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- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

If the complaint is one that may result in disciplinary or legal action against the Chief Executive or the complaint is regarding the Chief Executive, then the complaint should immediately be escalated to Stage 3 via a letter to the Chair of the Board of Trustees as described below.

If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation, then any investigation will be halted whilst advice is sought.

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If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However, if the anonymous complaint is of a sufficiently serious nature then the Chief Executive or the Chair of the Board of Trustees will decide whether action is appropriate.

If an anonymous complaint raises child protection issues, then the complaint will be referred immediately to the Safeguarding Lead Officer.

The Complainant should not attempt to bypass steps in the complaint's procedure.

Escalation to the Chief Executive or the Chair of the Board of Trustees before the formal procedures have been exhausted will result in the Complainant being referred to Stage 1 (Informal).

## **Stage 2 (Formal)**

### **a) Complaint to the Chief Executive**

If a complainant feels that a concern has not been resolved through the informal process (set out above) or that it is of a sufficiently serious nature, then an appointment to discuss it with the Chief Executive will be made. The complainant should indicate that the appointment is regarding a complaint.

If the Chief Executive cannot resolve the complaint at the initial meeting, then the organisation may carry out an investigation of the complaint. It will be the Chief Executive's responsibility to decide who should conduct the investigation. This may be the Chief Executive or may be a member of the Senior Management Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

The investigation will be completed within **10 training days** and a follow-on meeting held with the complainant to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level. The Chief Executive will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If discussions between the Chief Executive and the Complainant prove fruitless, and the issue cannot be resolved to the Complainant's satisfaction, then the Chief Executive will advise the Complainant that they may make a formal complaint to the Chair of the Board of Trustees, by putting the complaint in writing (using the Complaints Form) to the Chair of the Board of Trustees **within 20 training days**.

### **b) Complaint about the Chief Executive**

The above procedures apply if the complaint is about the Chief Executive, but the informal investigation will be undertaken by the Chair of the Board of Trustees unless the Chair decides it is necessary to move straight to Stage 3.

## **Stage 3 (Formal) – Governing Body**

When the Chair of the Board of Trustees has received a formal complaint, a panel of Board members will be convened to hear the complaint, (**minimum two Board members, ideally three**), and make a decision about it on behalf of the Board of Trustees. The Board members appointed to the panel will have had no previous involvement in the complaint.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by First Rung or complainant.

The Complaints Panel will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. Each party may be accompanied by a friend who can speak on their

behalf if necessary. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows

- Introductions will be performed by the Chair of the Complaints Panel
- The Complainant makes a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement

The meetings will be minuted. Care will be taken in identifying a note-taker.

The decision reached by the panel will be notified in writing to the Complainant and any subject(s) of the complaint. It will also be reported back to the next meeting of the Board. Only a summary to the full

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Board will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied.

It may be appropriate for the nominated complaints Board member to telephone the Complainant regarding the outcome. However, this will always be followed up with a letter to make sure there is no misunderstanding.

When a formal complaint is received by the Chair of the Board of Trustees a letter of acknowledgement and a request for written evidence will be sent to the Complainant **within 10 training days**.

All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the Trustees involved in the Complaints Panel and the nominated Chair. Any written evidence should be sent to the nominated Chair of the Complaints Panel. The panel will convene the complaints meetings as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times. Following the conclusion of the complaint's meetings with all parties, the panel will provide a written response to the complaint within **15 training days**.

N.B - Where it is not possible to respond to a complaint within the stated timescales, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

#### **Stage 4 (Formal) – Appeal to Governing Body**

If the Complainant is not satisfied that the Complaints Panel has followed the complaints procedure correctly then they may appeal in writing to the Chair of the Board of Trustees using the Appeal Form. In this instance a new panel of Trustees, (**minimum two Trustees**), will be convened who have no knowledge of the complaint.

The appeals panel will broadly follow the procedure outlined in stage 2 above.

#### **Monitoring and Review**

The Board of Trustees will review this complaints policy on a regular basis. The Chief Executive will log all formal complaints received by the organisation and will record how they were resolved.

Trustees will examine the complaints log on an annual basis and will consider the need for any changes to the procedure.

Where a complaint requires disciplinary action against either a member of staff or a learner, the appropriate Disciplinary Procedure must be followed.

Any complaint made by a member of staff should be considered under the Company's Grievance Procedure.

Staff, Parent or Carer's may wish to consider the Whistle Blowing Policy and Procedure as another route to take forward a complaint.

First Rung has a duty to ensure that all learners are safeguarded appropriately, and any complaint made by or on behalf of a learner will be considered within the rules and guidance of the Company's Safeguarding and Prevent Policy.

The Chief Executive is responsible for ensuring compliance or the Deputy Chief Executive in their absence.

