

Oarsome Chance Complaints Procedure



Policy approved:	12 th July 2022	Board Of Trustees
Signed:	<i>P Napthine</i>	CEO
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Oarsome Chance Complaints Procedure

Who can make a complaint?

This complaints procedure is not limited to parents or carers of students that are registered at the provision. Any person, including members of the public, may make a complaint to Oarsome Chance about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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. Oarsome Chance 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, we will refer you to another staff member (usually their line manager). Similarly, if the member of staff directly involved feels unable to deal with a concern, we will refer you to another staff member (usually their line manager). The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Oarsome Chance 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 on a complainant, as long as they have appropriate consent to do so.

Complaints against staff (except the CEO) should be made in the first instance, to the CEO via the office. Please mark them as Private and Confidential.

Complaints that involve or are about the CEO should be addressed to the Chair of Trustees, via the office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual trustee or the whole board of trustees should be addressed to the Clerk to the Board of Trustees via the office. Please mark them as Private and Confidential.

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, the CEO or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first day of term after the holiday period.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Oarsome Chance, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to provision	Concerns about admissions should be handled through a separate process – either through OC or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact Children's Services
Exclusion of children from provision	Further information about raising concerns about exclusion should be raised via OC or the local authority. <i>*complaints about the application of the behaviour policy can be made through the complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff, volunteers, and contractors. Those who do not want to raise matters direct with Oarsome Chance can raise their concerns with the Charity Commission.
Staff grievances	Complaints from staff will be dealt with under the organisation's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the organisation's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Oarsome Chance in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Oarsome Chance 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.

Monitoring and review of the procedure

This procedure will be monitored and reviewed by the CEO at least every two years, or sooner if there is a change in legislation, guidance, or a complaint has been investigated. The procedure will be adopted and approved by the Board of Trustees.

Stage 1 – Informal complaints: Staff member or line manager

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with the staff member involved or their line manager. Complainants should not approach individual trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 working days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal complaints: CEO

Formal complaints must be made to the CEO (unless they are about the CEO), via the office. This may be done in person or in writing.

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.

Within this response, the CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CEO can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The CEO may delegate the investigation to another member of the leadership team but not the decision to be taken.

During the investigation, the CEO (or investigator) 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 CEO will provide a formal written response within 20 working days of the date of receipt of the complaint.

If the CEO is 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 Oarsome Chance will take to resolve the complaint.

The CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the CEO, or a member of the board of Trustees (including the Chair or Vice-Chair), a suitably skilled trustee will be appointed to complete all the actions at Stage 2.

Complaints about the CEO or member of the board of trustees must be made to the Clerk, via the office.

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

then Stage 2 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 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of Oarsome Chance. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the office, within 10 working days of receipt of the Stage 2 response.

The Clerk 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 Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

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

then Stage 3 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting 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, if 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 15 working days before the meeting, the Clerk 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
- request copies of any further written material to be submitted to the committee at least 10 working days before the meeting.

Any written material will be circulated to all parties at least 5 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 special 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 Oarsome Chance's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Oarsome Chance 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 Charities Commission if they are dissatisfied with the way their complaint has been handled by Oarsome Chance.

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 Oarsome Chance will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the site premises by the proprietor and the CEO.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Charities Commission or another authorised body requests access to them.

Next Steps

If the complainant believes the organisation did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties, they can contact the Charities Commission after they have completed Stage 3.

The Charities Commission will not normally reinvestigate the substance of complaints or overturn any decisions made by Oarsome Chance. They will consider whether Oarsome Chance has adhered to legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Charities Commission online at:

<https://forms.charitycommission.gov.uk/raising-concerns/> or by writing to:

Charity Commission
PO Box 211
Bootle
L20 7YX

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 Oarsome Chance 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 child/young persons, 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 CEO or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The CEO or complaints committee 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 (if appointed)

(this could be any staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, the CEO, Chair of Trustees, or the Clerk and 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/young person.
- keep records.

Clerk to the Board of Trustees

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, Oarsome Chance and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

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

- both parties are asked (via the Clerk) 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 Oarsome Chance 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
- they liaise with the Clerk (and complaints co-ordinator if one has been appointed).

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 Oarsome Chance 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

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.