



COMPLAINTS PROCEDURE

PURPOSE OF THE COMPLAINT PROCEDURE

This procedure aims to reassure clients and others with an interest in The Headlight Project ('Charity') that:

- Any complaint against the Charity will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution: and
- The Charity recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in Service practices and provision for clients.

GENERAL PRINCIPALS OF COMPLAINTS

Stage 1 - Informal Stage

On occasions, a client may raise a concern directly with a line manager or Trustee without any formality. At this stage, it may be unclear whether the client is making a complaint, seeking information or has misunderstood a situation. It is important to be clear about the difference between a concern and a complaint. It would be helpful if team members were able to resolve issues on the spot, including offering an apology where necessary. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

Stage 2 – Complaint heard by a Trustee or Chair of Trustees

If the concern is not resolved immediately and the client confirms a complaint, the matter will be referred to an appropriate member or members of the Trustee Board. In the case of the complaint being against a member of the team, this stage will normally be heard by the Chair of Trustees but can be delegated by the Chair if appropriate.

Stage 3 – Complaint Heard by Trustee's Complaints Committee

The formal procedures will need to be invoked when initial attempts to resolve the issue(s) are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The Trustee Board might wish to nominate a panel of the Trustees (excluding the Trustee/Trustees who may have heard the Complaint at Stage 2,) or where appropriate an independent person (from outside the organisation) to have responsibility for the co-ordination and management of the complaints procedure.

FRAMEWORK OF PRINCIPLES

An effective Complaints Procedure will:-

- encourage resolution of problems by **informal** means wherever possible
- be easily **accessible** and **publicised**
- be **simple** to understand and use
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- ensure a full and **fair** investigation by an independent person where necessary

- respect people's desire for **confidentiality**
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- provide **information** to the Trustees so that services can be improved

INVESTIGATING COMPLAINTS

It is suggested that at each stage, the person investigating the complaint makes sure that they:-

- establish **what** has happened so far, and **who** has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

RESOLVING COMPLAINTS

At each stage in the procedure the Charity will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review the Charity's policies in light of the complaint

It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage. An admission that the Charity could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

UNREASONABLY PERSISTENT COMPLAINTS

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

TIME-LIMITS

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. It is recommended that time limits are set using working days i.e. Monday to Friday.

MANAGING AND RECORDING COMPLAINTS

RECORDING COMPLAINTS

A complaint may be made in person, by telephone, in writing (e-mail). An example of a complaint form can be found in Appendix G. At the end of a meeting or telephone call, it would be helpful if the Trustee board member ensured that the complainant and the charity have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

TRUSTEE REVIEW OF COMPLAINTS

The Trustees should monitor the level and nature of complaints the charity receives and review the outcome on a regular basis to ensure the procedure is operating effectively and make any amendments where necessary. Complaints information shared with the Trustees should not name individuals.

As well as addressing the individual's complaints, the process of listening to and resolving complaints will contribute to the Partnership's improvement. When individual complaints are heard, the Partnership may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Partnership and the Trustees can be a useful tool in evaluating performance.

PUBLICISING THE PROCEDURE

There is a legal requirement for the complaints procedures to be publicised. It is up to the Trustees to decide how to fulfil this requirement but details of the procedures could be included in:

- Headlight Project website.
- Information given to schools when they buy into the charity's services.
- Information given to individual clients themselves.

FURTHER RECOURSE

Complaining to the Charity Commission

- Before complaining to the Charity Commission, it is expected that all stages of this procedure have been exhausted.
- The Charity Commission has powers to investigate certain types of complaint. To help them to decide whether to inspect a charity they will need to know the type of complaint and details of the procedure so far.
- You can make a complaint about a charity on their website at www.charity-commission.gov.uk

Complaints Procedure

Stage 1 – Informal Stage – Complaint heard by a Line Manager or other Team Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Charity can be crucial in determining whether the complaint will escalate. To that end, if team members and trustees are made aware of the procedures, they will know what to do when they receive a complaint.

It would assist the procedure if the Charity respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular team member. In these cases it is useful if another team member can hear the complaint. Where the complaint concerns the Line Manager the complainant is referred to the Chair of Trustees.

Similarly, if the member directly involved feels too compromised to deal with a complaint, the complaint could be referred to another team member. The member may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a trustee, the next step would be to refer the complainant to the appropriate person and advise them of the procedure. Trustees should not act unilaterally on an individual complaint outside the formal procedure.

If the informal process has been exhausted and no satisfactory solution has been found the complainant will be asked if they wish the complaint to be considered formally at stage two of this procedure. The form attached at Appendix 6 may be used if appropriate.

Stage Two – Complaint heard by Chair of Trustees or another Trustee

Where the Line Manager has addressed the complaint at stage one, a Trustee or the Chair of Trustees will become involved at this stage.

The appropriate Trustee(s) or Chair will acknowledge the written complaint within **five working days** of receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Trustee or Chair of Trustees may still seek to resolve the complaint informally.

The appropriate Trustee(s) or Chair of Trustees will investigate the complaint and a written response will normally be made within **ten working days** of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

The written response will include full reasons for the conclusions reached and what action, if any, the charity proposes to take to resolve the matter.

Stage Three – Complaint Heard by Trustees Complaints Committee

If the complainant still remains dissatisfied, they will be advised that a meeting of the Trustees' Complaints Committee will be convened. The Trustees' Complaints Committee is the last stage of the complaints processes, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Trustees at any stage, as this could compromise the impartiality of being able to properly and fairly deal with the complaint.

As a Trustee or the Chair of Trustees may have been involved at an earlier stage in the procedure then that individual will not be part of the committee.

The Complaints Committee should consist of at least two members of the Trustees identified and is subject to individual availability. The committee may choose their own chair. No trustee may sit on the committee if they have had any prior involvement in the complaint or circumstances surrounding. In some cases it may be appropriate to have independent trustees from other bodies to hear the complaint to ensure openness and transparency. Trustee

Bodies must ensure that at least one member of the panel is independent of the management and running of the charity.

Complaints about a Trustee, the Chair of Trustees or the Board of Trustees

Complaints about a trustee should be referred to the Chair of Trustees who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Charity Commission Services Team. The Complaints Appeals Committee would deal with any appeal against the Chair's response.

Complaints about the Chair of Trustees must be referred to the Trustee Board who would arrange for the complaint to be investigated and considered by the Complaints Appeals Committee of the Trustees. Again advice should be sought from the Charity Commission Services Team who may be able to assist with any investigation.

Roles and responsibilities

The Remit of the Complaints Committee

The committee can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Charity's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any trustee sitting on a complaints committee needs to remember.

- It is important that the panel is independent and impartial and that it is seen to be so. **No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.** In deciding the make-up of the committee, trustees need to try and ensure that it is a cross-section of the categories of trustee.
- The aim of the complaints committee, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the charity and the complainant. However it has to be recognised the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the committee hearing if any the child needs to attend.

It is strongly recommended that any complaints committee hearing is formally clerked. The clerk would then be the contact point for the complainant and be required to:

- Ensure a written acknowledgement of the complaint and the request for it to be heard by the trustees complaints committee be sent to the parent within **five working days**.
- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. This will be within **twenty working days** of receiving the complaint. It will also inform the parent of the right to submit any further documents other than the complaints form and that these must be made available to the Clerk of the Trustees within **five working days** of receipt of the acknowledgement letter.
- The Clerk will inform all those concerned of their right to call witnesses to the meeting, subject to the approval of the Chair of the Committee, and their right to be accompanied by a companion of their choice (particularly parents).
- The clerk will also ensure that the Chair of the Complaints Committee provides a written report in response to the complaint and advise them of their right to call witnesses and be accompanied by a supporter. Subject to the approval of the Chair.
- Collate any written material provided by the Partnership or the parents and send it to the parties at least **five working days** prior to the meeting. This will also include the names of all parties and witnesses (if any) who will be attending the meeting.
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision.

Role of the Nominated Chair of the Committee

The Chair of the Committee has a key role, ensuring that:

- the correct procedure has been followed
- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption and ask questions
- the issues are addressed and only the issues identified in the complaint.
- key findings of facts are made
- parents and others who may not be used to speaking at such a meeting are put at ease
- the panel is conducted in an informal manner with each party treating the other with respect and courtesy.
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- all parties see written material. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Committees Decision

The Chair of the Committee needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response.

Complaint Form

If you are not satisfied or feel that you have been unfairly treated, we would like you to indicate the problem.

It is however very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a Line Manger or other Team Member.

If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the Chair of Trustees.

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| Your name: |
| Child's Name: |
| School Attending: Class Group: |
| Your Address: |
| Contact Details: Home Mobile Work |
| Details of Concern/Complaint: <i>(Please be as specific as possible, e.g. giving dates, who was involved and where etc.)</i> |
| Please attached a continuation sheet/additional information if you wish |
| When did you report the problem to the charity? |
| To whom at the charity did you report the problem? |
| What was the response? |
| Have you complained to the charity about this before? Yes / No delete as appropriate |
| If so, to whom and when? |

What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the charity?

Signed

Date

Complainant

FOR OFFICE USE ONLY

| | |
|---|--------------------------|
| Date form sent to complainant: | Date received: |
| Complainant's Name: | |
| Address: | |
| Tel No: | |
| Child's Name: | Date of Birth: |
| Relationship to child: | |
| Informal Complaint: | Formal Complaint: |
| Nature of Complaint: | |
| Informal Action – <i>List action taken to resolve informal complaint</i> | |
| Outcome of Informal Complaint: | |
| Formal Complaint forwarded to Chair of Trustees for action: | |
| Any other comments: | |
| Formal Complaint forwarded to Trustees for Action: | |

Approved by the Trustee Board on 1 April 2021.