



## COMPLAINTS PROCEDURE

### PURPOSE OF THE COMPLAINT PROCEDURE

This procedure aims to reassure clients and others with an interest in The Bungalow Partnership that:

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

### GENERAL PRINCIPALS OF COMPLAINTS

#### Stage 1 – Informal Stage

On occasions, a client may raise a concern directly with a Partnership member without any formality. At this stage, it may be unclear whether the client is making a complaint, seeking information or has misunderstood a situation. The Partnership needs to be clear about the difference between a concern and a complaint. It would be helpful if 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 Director or Chair of Trustees

If the concern is not resolved immediately and the client confirms a complaint, the opportunity to discuss the matter with an appropriate member of the Partnership will be given e.g. Director or Senior Member. In the case of the complaint being against the Director, this stage will always be heard directly by the Chair of Trustees.

#### 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 Partnership might wish to nominate a Partnership member 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 Partnership’s Senior Management Team 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 Partnership 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 Partnership 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 Partnership 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 (excluding school holidays).



## **FORMAL COMPLAINTS PROCEDURE**

### **The Stages of Complaints**

- An efficient Partnership complaints procedure will have well-defined stages, please see the complaints flowchart.
- At each stage it is helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility, for example, the possibility of further meets between the complainant and the Partnership member directly involved and further investigations may be required by the Director after a meeting with the complainant.

### **Three stages are usually sufficient for most organisations:**

- Stage one – Informal heard by senior Partnership member or Director
- Stage two – Complaint submitted to the Chair of Trustees
- Stage three - Complaint heard by Complaints Committee of the Trustees

An effective procedure will specify how a complaint will be dealt with and resolve the situation satisfactorily.

## **MANAGING AND RECORDING COMPLAINTS**

### **RECORDING COMPLAINTS**

It would be useful for the Partnership to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (e-mail). An example of a complaint form can be found in Appendix 6. At the end of a meeting or telephone call, it would be helpful if the Partnership member ensured that the complainant and the Partnership 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 Partnership 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:

- The Bungalow Partnership website.
- Information given to new schools when they buy into the Partnership's services.
- Information given to individual clients themselves.
- A specific complaints leaflet which includes a form on which a complaint can be made
- Posters displayed in areas of the Partnership's office that will be used by the public/clients, such as the main entrance/office.



## **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](http://www.charity-commission.gov.uk)

## Example – Complaints Procedure

### Stage 1 - Informal Stage – Complaint heard by a Partnership 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 Partnership can be crucial in determining whether the complaint will escalate. To that end, if 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 Partnership respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular Partnership member. In these cases it is useful if another member can hear the complainant. Where the complaint concerns the Director 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 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 or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.**

The Director's influence will already have shaped the way complaints are handled in the Partnership and resolved the complaint at this stage. 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.

If wishing to proceed with the complaint, the complainant will be invited to put the complaint in writing to the Director or Chair of Trustees using the form attached at Appendix 6. The form should be sent to the Director or Chair of Trustees within ten working days.

### Stage Two – Complaint heard by Director or Chair of Trustees

Where the Director has addressed the complaint at stage one, the Chair of Trustees will become involved at this stage. Where another member has addressed the complaint at stage one, the Director will hear this stage.

The Chair of Trustees or Director 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 Chair of Trustees and Director may still seek to resolve the complaint informally.

The Chair of Trustees or Director 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 by the Chair of Trustees or Director and what action, if any, the Partnership 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 any committee set up for a disciplinary hearing against a Partnership member following a serious complaint.

As the Chair of Trustees may be involved at an earlier stage in the procedure (particularly where the complaint is about the Director) it may be wise not to include the Chair as a member of the committee to avoid any possible reference to the Chair being "impartial".

The Director would be expected to attend the hearing to give evidence and may also choose to invite members to attend who had been directly involved in matters raised by the complainant (Subject to the approval of the Chair of the Complaints Committee).

The Complaints Committee should consist of two members of the Trustees identified by the Chair/Clerk 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 Partnership.**

### **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 Clerk to Trustees who would arrange for the complaint to be investigated and considered by the Complaints Appeals Committee of the Trustees. Clerk to Trustees should seek advice 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 Partnership'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 and sensitive to the issues of race, gender and religious affiliation.
- 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 Partnership 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. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial (see appendix 9).
- 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.
- **The trustees sitting on the committee need to be aware of the complaints procedure.**

### Role of the Clerk

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 Director or 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.

## Checklist for Complaints Committee

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Director may question both the complainant and the witnesses after each has spoken.
- The Director is then invited to explain the Partnership's actions and be followed by the Partnership's witnesses.
- The Complainant may question both the Director and the witnesses after each has spoken.
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Director is then invited to sum up the Partnership's actions and response to the complaint.
- Both parties leave together while the panel decides on the issue.
- The Chair explains that both parties will hear from the panel within a set time scale.

## Trustees Complaints Committee (TCC): Procedure for Hearing the Complaint

### Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the Partnership and the complainant.

The Chair of the TCC will ensure that the meeting is **properly minuted**.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

### Order of Meeting

1. The Chair welcomes the complainant and his/her companion and introduces everyone present.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The complainant/companion explains the complaint, calling in witnesses if appropriate.
4. The TCC and Director may question the complainant and witnesses.
5. The Director/Chair of Trustees are then invited to present a response to the complaint, including action taken to address the complaint at stage 1 and 2 of the procedure and calling witnesses, if appropriate.
6. The TCC and complainant may question the Director/Chair of Trustees.
7. The TCC may ask questions at any point.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Director summarises the Partnership's position, highlighting evidence, including anything that has emerged in the questioning.

### **N.B. No new points to be added at stages 8 or 9.**

10. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds all parties of the confidentiality of the case.
11. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
12. The TCC considers the complaint and reaches a unanimous or majority decision. The TCC also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
13. When a decision has been made, the Chair informs both parties both verbally and in writing of the outcome of the complaint.

## Complaints Flowchart Concern or Complaint Received

<b>INFORMAL PROCEDURE</b>	<b>PARTNERSHIP ACTION</b>
<p>Informal discussion with the relevant member or other relevant member usually resulting in resolution to the issue.</p> <p><b>If any complaint is about the Director – proceed to Stage 2.</b></p>	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the Partnership’s complaints procedure and information on how to proceed to Stage 1.</p>
<b>FORMAL PROCEDURE – STAGE 1</b>	<b>PARTNERSHIP ACTION</b>
<p>The complaint is submitted, either verbally or in writing, to the Director.</p>	<p>The Director acknowledges receipt within 5 working days and provides a full written response within 15 working days. Information is provided to the complainant on how to progress the complaint to Stage 2.</p>
<b>FORMAL PROCEDURE – STAGE 2</b>	<b>PARTNERSHIP ACTION</b>
<p>A written complaint is submitted to the Chair of Trustees.</p>	<p>The Chair of Trustees acknowledges receipt within 5 working days and provides a full written response within 15 working days. Information is provided to the complainant in how to progress the complaint to Stage 3.</p>
<b>FORMAL PROCEDURE – STAGE 3</b>	<b>PARTNERSHIP ACTION</b>
<p>Complainant writes to the Chair or Clerk of Trustees requesting that the complaint be heard by the complaint committee.</p>	<p>Clerk arranges for complaints committee to meet between 12 and 20 working days from receipt of letter and informs the complainant of findings within 5 working days of hearing.</p> <p>Information is provided to the complainant on how to progress the complaint to the Charity Commission.</p>
<b>FURTHER RECOURSE</b>	
<p>Complainant regarding charities should be addressed to the Charities Commission.</p>	<p>The Charity Commission may intervene if a Board of Trustees has acted unreasonably.</p>



## 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 member in the Partnership.**

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 Director or Chair of Trustees.

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 Partnership?	
To whom at the Partnership did you report the problem?	
What was the response?	



Have you complained to the Partnership 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 Partnership?

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Complainant



## APPENDIX 7

### 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 Director/Chair of Trustees for action:	
Any other comments:	
Formal Complaint forwarded to Trustees for Action:	



## Considering the Evidence

### A suggested format for clarifying issues and seeking information

What is the complaint?

What facts are not disputed?

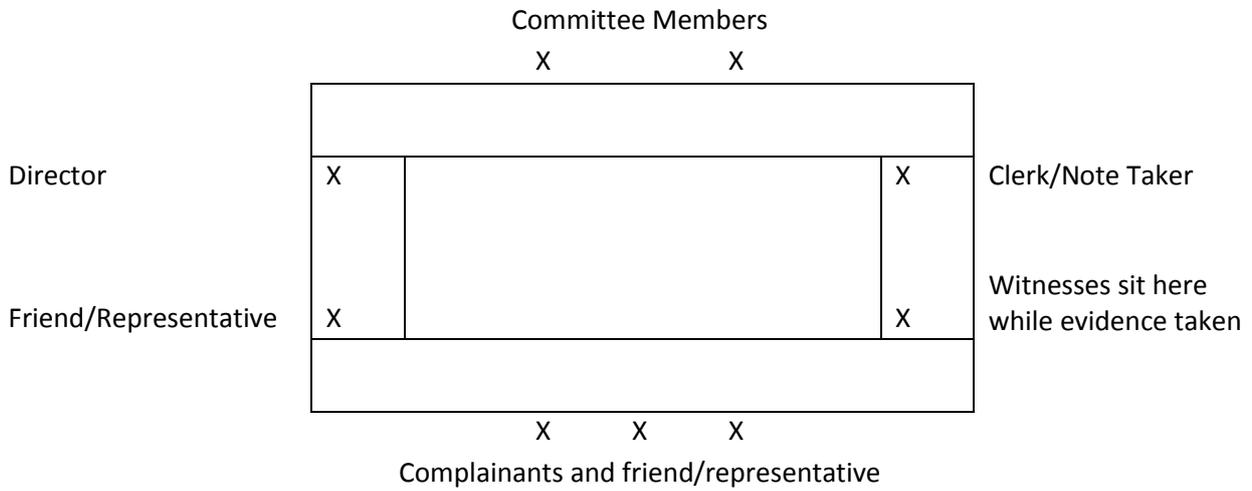
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What facts do we need to establish?

How?

Comments

### Suggested layout for Complaints Hearing



X X X

Observers (members named in the complaint who wish to attend, if appropriate)

It is important that the Director, member and complainants are treated equally at all times, **e.g. that the Director is not in the room with the Committee members without the complainant and vice-versa.**