

Conquest Centre

Complaints Policy

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Animals • Wellbeing • Nature • Connection

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COMPLAINTS POLICY

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COMPLAINTS POLICY

1. Policy Statement

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to Conquest Centre that the complainants have confidence in these procedures and know that their cases will be impartially investigated. This policy has been written in accordance with 'Best practice guidance for school complaints procedures 2020' Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

While the work that goes on at Conquest Centre is by and large a positive experience for everyone involved, it is important to bear in mind that sometimes things can go wrong, and you may find that a member of staff, a trustee, client, volunteer, sponsor, customer, supplier or partner (hereafter known as 'individual') has a complaint about another individual. Similarly, you may find that an individual's performance has declined, or that someone else has complained about an individual's work, attitude, or conduct. Having a written problem-solving procedure/complaints procedure policy is a good way to manage these situations.

2. Data Protection

Conquest Centre supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Conquest Centre has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Every member of Conquest Centre has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Conquest Centre Data Protection Policy.

3. Disclosure of Information

Any use or disclosure of information held within Conquest Centre, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

4. Complaints Procedure

Having a problem-solving procedure helps to create consistency and demonstrates Conquest Centre's commitment to individual's good practice. Not all individuals at Conquest Centre are covered by employment legislation but Conquest Centre does operate an equal opportunities environment. All complaints should be resolved openly, fairly, and quickly to:

- Protect individuals;
- Minimise any disruption to the general day-to-day activities at Conquest Centre;
- Demonstrate that all individuals are respected;
- Protect the reputation of Conquest Centre.

Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it.

- The way in which the complaint is likely to be handled. Where there are established statutory or other procedures for dealing with a complaint, these will be followed.

These guidelines do not cover those safeguarding matters already provided for such as:

- Serious complaints against staff
- Child Protection issues

It may be that action under the complaint's procedure may lead to action being initiated under other (e.g., statutory) procedures. In these cases, the investigations under the complaints procedure will be suspended until action under the procedure has been concluded. The complainant will be advised that alternative action is being taken but will have to remain confidential until that procedure has been completed. They will also be told the likely delay in the final resolution of their complaint which will result.

5. The difference between a concern and a complaint

A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. However, there will be occasions when complainants want to raise their concerns formally. In those cases, the complaints procedure should be followed.

6. Definition of a Complaint

A complaint within the terms of the procedures described here, is an expression of dissatisfaction verbally or in writing by complainants of clients who attend Conquest Centre. All complaints from complainants of clients who attend Conquest Centre will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff.

Anonymous complaints would not normally be considered under this procedure.

This procedure outlines the informal and formal stages by which a complaint may be made against the Conquest Centre. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary. Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.

Conciliation between Conquest Centre and the complainants can be considered at any time, within the informal or formal stages.

7. Who can make a complaint?

Anyone can make a complaint about any provision of facilities or services that Conquest Centre provides, this includes:

- Parents, carers or clients
- Parents, carers or clients no longer at Conquest Centre
- Members of the public

In accordance with administrative law principles, complainants will be given the opportunity to complete the complaints procedure in full, unless we possess clear evidence that the

complaint meets the serial complaint criteria. If the complainant contacts us again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond. We will not mark a complaint as 'serial' before the complainant has completed the procedure.

Complaints where the matter which caused rise to the complaint is longer than one year ago then it will only be investigated at the discretion of the Board of Trustees.

8. Complaint campaigns

Conquest Centre may become the focus of a campaign and receive large volumes of complaints:

- All based on the same subject
- From complainants unconnected with Conquest Centre

In this situation, we will seek advice and may consider

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

9. Recording complaints

We will comply with our obligations under the Equality Act 2010. It's common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- Disability
- Learning difficulties
- Difficulties using English

We will therefore allow alternative methods of contact.

10. How can a complaint be raised

A complaint may be made:

- In person, by telephone or in writing
- By a third party acting on behalf of the complainant

We will make sure to have written consent from the complainant before disclosing information to a third party.

11. Recording Complaints

Take brief notes, to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be taken and will be:

- Kept securely
- Encrypted where appropriate

A copy of any written response will be added to the record.

12. Recording meetings

Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded. Conquest Centre is a data controller in its own right, therefore have the discretion via our policies to decide for ourselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment. We will also ensure that there is a fair and reasonable purpose for allowing complainants to record meetings, as there may be various levels of identifiable personal information recorded. We will need to consider:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked

13. Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. Unless exceptional circumstances apply, the Dfe will support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Recording complaint progress, we will

- Record the progress of the complaint and the outcome
- Determine who is responsible for these records and make sure the data is kept secure under the General Data Protection Regulations, data must not be kept longer than is necessary.

First Stage – Dealing with Concerns and Complaints

14. Informally - Guidelines

It is hoped that all complaints and concerns are resolved as early and informally as possible. Complainants need not only to be listened to but also to feel that they have been listened to. The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through the mentors, Centre Manager or Board of Trustees depending on whom the complainant first approaches.

Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of the complainant. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

15. Informal Resolution Procedures

Complainants will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify with the nature of the concern and reassure them that the centre wants to hear about it. The member of staff may explain to the complainants how the situation arose. It may be helpful to identify at this point what sort of outcome the complainant is looking for.

The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. Hopefully the appropriate member of staff can resolve the matter immediately. If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant. The Centre Manager will be given a copy.

Where the concern relates to the Centre Manager, the complainant should be advised to contact the Chair of the Trustees.

The member of staff dealing with the concern or complaint will make sure that they are clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.

Where no satisfactory solution has been found within 10 working days, complainants should be given clear information, both orally and in writing, about how to proceed with their complaint and about any independent advice available to them.

The person complained about will be given a copy of the recommendations given to the complainant.

Second Stage – Referral for Formal Investigation

16. Guidelines – Formal Investigation

By now it will have become clear that the concern is a definite complaint. In some cases, the Centre Manager will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the Centre Manager (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

As the Centre Manager has responsibility for the day-to-day running, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaint's procedure is to reassure complainants that more than one person is hearing their complaint.

17. Procedures – Formal Investigation

Complaints should normally be in a written format. In exceptional cases Conquest Centre will consider progressing an oral complaint where there are sufficient grounds to do so. The Centre Manager (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint. Conquest Centre will be sensitive to the needs of the complainant who may have literacy difficulties or for whom English is not their first language.

The acknowledgement will give a brief explanation of Conquest Centre's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 working days; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.

- We will ask the complainant at the earliest stage what they think might resolve the issue – an acknowledgement that Conquest Centre could have handled the situation better is not the same as an admission of unlawful or negligent action.
- When responding to a complaint, we will advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, we will include the details of the stage 2 process.

It may be possible even at this stage to reach an agreed solution to the problem. The aim here is to progress the matter for the good of the complainants and Conquest Centre. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Such a route would be seen as an attempt to resolve the complaint informally and would not compromise the complainant's right to move to more formal procedures at any time.

The Centre Manager will provide an opportunity for the complainant to meet with them to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or

advocate who can speak on their behalf; and that interpreting facilities are available if needed.

If necessary, the Centre Manager will interview witnesses and take statements from those involved. If the complaint centres on a client, the client should also be interviewed. In some circumstances, another member of staff with whom the individual feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Centre Manager interviews a client.

The Centre Manager will keep written records of meetings, telephone conversations and other contacts.

Once all the relevant facts have been established, the Centre Manager will then produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action Conquest Centre will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned the phrase 'Appropriate action has or will be taken' should be used.

The complainant will be advised that should they wish to take the complaint further they should notify the Centre Manager within 10 working days of receiving the outcome letter.

Complaints against staff will be dealt with by the Centre Manager (stage 1), then the Chair of Trustees (stage 2) Where the complaint is against the Centre Manager arrangements should be made for the initial investigation to be conducted by a nominated board member who will carry out all the Stage 2 procedures.

Complaints against board members are made to the PA to the board, the PA will then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the board (stage 1) and then a committee of members of the board (Stage 2) Complaints against the entire board or complaints involving the chair should also be sent to the PA, who will then determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other charities to hear the complaint at stage 2.

The person complained about will receive a written copy of any findings or recommendations. Any decision made by Conquest Centre, will be made in line with the principles of administrative law. This means a decision is:

- Lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- Rational
- Reasonable
- Fair
- Proportionate

Third Stage – Appeal to the Board of Trustees

18. Guidelines

Complaints only rarely reach this formal level. It is important that this appeal should not only be independent and impartial but that it is seen to be so. As such the appeal should be dealt with by employees who have had no prior knowledge or involvement in the case. As this may be the last chance for a solution or compromise to be reached, every effort should be made to mediate and conciliate.

Complaint appeals should normally be in a written format. In exceptional cases Conquest Centre will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements. All complaints which reach this stage will have done so because the complainant has not been satisfied by the Centre Manager's response at the earlier stage of the procedure or the original investigation by the Board of Trustees if the complaint had been about the Centre Manager.

19. Procedures

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:

- The PA of the Board of Trustees will write to the complainant to acknowledge receipt of the written request.
- The acknowledgement will inform the complainant that the complaint will be investigated by the Board of Trustees within 20 working days of receiving the request.
- The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint

The Chair of the Board of Trustees will convene board members who have had no prior involvement with the complaint. Trustees will be sensitive to issues of race, gender and religious affiliation. The Chair will write and inform the complainant, Centre Manager, any relevant witnesses and members of the Board of Trustees at least ten working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Board of Trustees, at least five working days in advance of the meeting. The Chair of the Board of Trustees will invite the Centre Manager, to attend the complaints meeting and prepare a written report in response to the complaint. All concerned, including the complainant, will receive any relevant documents including the Centre Managers report, at least five working days prior to the meeting. It is the responsibility of the Chair of the Trustees to ensure that the meeting is properly recorded.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between Conquest Centre and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

At Stage 3 the complainant and the Centre Manager and any other staff should be interviewed separately, so the Trustees can form a clear and unbiased view of the complaint.

The interviews, which can be arranged to run consecutively if this is more convenient, should allow:

- The complainant to explain their complaint(s)
- The Centre Manager to explain the centre's response
- The Board of Trustees to have an opportunity to question both the complainant and the Centre Manager.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and the Board having the right to question all the witnesses
- Both complainants, Centre Manager and staff to have the right of representation at the interview if they so wish.

The Chair of the Board of Trustees will explain to the complainant and the Centre Manager that the Board of Trustees will consider its decision, and a written response will be sent to both parties within 15 working days.

The Board of Trustees will then consider the complaint and all the evidence presented and

- Reach a unanimous, or at least a majority decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the centre's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the Board of Trustees must be sent to the complainant and Centre Manager. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the Centre will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase 'Appropriate action has or will be taken' should be used.

The Board of Trustees will ensure that a copy of all correspondence and notes are kept on file in the trustee's records. These records should be kept separately from the client's personal records.

20. Legal representation

In the event that a complaint progresses to the Board of Trustees, we recommend that neither party bring legal representation. These meetings are not a form of legal proceedings. The aim of the meeting should be:

- Reconciliation
- To put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate.

Example, if an employee is a witness in a complaint, they may be entitled to bring union or legal representation.

If a complainant commences legal action against Conquest Centre in relation to their complaint, we may consider suspending the complaints procedure, until those legal proceedings have concluded.

21. If Someone Complains About an Individual

If an individual is complained about then they have the right to be told what the complaint is against them, if and why they are being disciplined, the right to state their case and the right to appeal. Sometimes minor issues can arise such as an individual not fitting into the team as well as was expected, not meeting the required standards when undertaking tasks, or

being unreliable. Such issues are usually detected during regular supervision and may be quite easy to resolve without resorting to formal procedures. This checklist suggests how some issues can be dealt with:

- A well thought out induction pack/employment policy/volunteer policy etc and a role description should provide the individual with a good foundation on which to undertake their duties.
- Check the individual has had training needs met. Adapt, or change the way in which training is delivered if needed.
- Undertake a review to see if the individual needs extra support or supervision.
- Could the individual modify their role description, ask them if they would like to get involved in another aspect of Conquest Centre's work or develop a completely new role for them, if applicable.
- Is the individual unable to cope with the demands of the role anymore? They may need a break from their current duties. The individual may feel ready to move on to another role or relinquish the association with Conquest Centre altogether. If the individual does decide to leave, then they are to follow recognised procedures.
- Conquest Centre will always aim to find the best solution for the individual.

The first step is to discuss the complaint with the individual. There could be external factors influencing their ability to carry out tasks, their behaviour or their attitude. Identify goals that will help the individual to fulfil their role and offer extra support and training where necessary. Set a deadline for reviewing the situation. If there is insufficient improvement, then you may need to adopt a more formal approach, such as issuing a written warning.

If the complaint was raised by someone else, keep them informed of the measures you are taking to rectify the situation.

If the issue hasn't been resolved by the oral discussion or the review, then the Centre Manager can issue the individual with a written warning outlining the reason for the complaint.

The individual has the right to state their case, which could be to the Centre Manager or a Trustee and be accompanied by a person of their choice. Depending on the nature of the complaint, further objectives could be set, and help offered to the individual. However, if Conquest Centre decides to dismiss an individual or terminate their association with Conquest Centre, then the individual has the right to appeal. The decision to dismiss an individual should be a last resort.

Right to appeal. If an individual has been dismissed then they should appeal in writing to the Board of Trustees, usually the Chairman. Sometimes a Trustee board meeting can be formed specifically to hear appeals. The individual can have a nominated person present at this meeting. The Chairman of the Board must respond within a time specified agreed with between the Board and the individual. The Conquest Centre Trustee's decision is final.

Exceptions. There are some occasions on which individuals can be suspended immediately while an investigation is carried out. These may include acts that potentially constitute gross misconduct, e.g., theft, assault, act of violence, malicious damage, deliberate falsification of documents, harassment or being under the influence of drugs or alcohol. The decision to suspend an individual must be confirmed to the individual in writing. What constitutes as 'gross misconduct' should be clearly stated in Conquest Centre's Policies.

22. Mediation

While this can be useful in reaching an agreement and moving forward, there are times when it may not be the most appropriate course of action.

Mediation can:

- Provide a helpful mechanism for discussion when a concern is raised
- Help to rebuild the relationship between parties once all the investigative stages of the complaints procedure have been completed

It will not be used as a substitute for an investigation during the formal stages of the complaints procedure. If neither the complainant nor Conquest Centre considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaint's procedure.

The Centre Manager will provide an opportunity for the complainant to meet with them to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities are available if needed.

If necessary, the Centre Manager will interview witnesses and take statements from those involved. If the complaint centres on a client, the client should also be interviewed. In some circumstances, another member of staff with whom the client feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Centre Manager interviews a client.

The Centre Manager will keep written records of meetings, telephone conversations and other contacts.

23. Staff Complaints

Any Staff/Volunteers working within Conquest Centre, should also refer to the Whistleblowing Policy for further information if wishing to raise a complaint themselves.

24. Policy Review

The Centre Manager is responsible for monitoring and reviewing this policy. This policy will be reviewed annually. In addition, changes to legislation, national guidance, codes of practice or government advice may trigger interim reviews.