



Complaints

EXTERNAL POLICY & PROCEDURE

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Statement of intent

Talbot House Children's Charity Limited ("the Charity") exists to improve the lives of the children and families it provides services to. The Charity aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of care and education possible throughout the procedure.

This Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the Charity as a whole, relating to any aspects of the Charity or the provision of facilities or services. Any external person, including a member of the public, is able to make a complaint of this nature. This policy outlines the procedure that the Complainant and Charity must follow. Employees should raise any issues with their Line Manager in the first instance or follow the **Grievance Policy** or **Whistleblowing Policy** as this is not an internal policy.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Chief Executive (CEO) of the Charity will be the first point of contact when following the complaints procedure.

If a complaint is received at the incorrect stage of this procedure, the Charity will ensure to deal with the complaint beginning at the correct stage of this procedure. This is to ensure the Complainant's issues are dealt with fully and fairly and allows for the Complainant to have a right of appeal. This will be confirmed in writing when applicable.

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1. Legal framework

This policy has due regard to statutory legislation, including, but not limited to, the following (including all subsequent revisions to the original acts):

- The Education Act 2002.
- The Freedom of Information Act 2000.
- The Immigration Act 2016.
- The Equality Act 2010.
- The Data Protection Act 2018 and The General Data Protection Regulation (GDPR).
- SEND Code of Practice 2015.

2. Definition of a complaint

For the purpose of this policy, a “complaint” can be defined as an expression of dissatisfaction regarding actions taken or a perceived lack of action.

- Complaints can be resolved formally or informally depending on the Complainant's choice.
- A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought.
- Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

3. Roles and responsibilities

This clause sets out a brief overview of the main responsibilities for each role following receipt of a complaint.

- 3.1 The **Complainant** is the person or persons raising the complaint, they are expected to:
- Cooperate with the Charity in seeking a solution to the complaint.
 - Express the complaint and their concerns in full at the earliest possible opportunity.
 - Promptly respond to any requests for information or meetings.
 - Ask for assistance as needed.
 - Treat any person or persons involved in the complaint with respect.
- 3.2 The **Complaints Coordinator (CC)**, if appointed, is an employee appointed by the Charity upon receipt of a complaint (usually a member of the HR Department), and will assist with, oversee and / or ensure the following:
- Timescales are met.
 - All parties involved in the complaint are fully updated throughout each stage of the procedure.
 - Share details of relevant legislation to all parties involved in the procedure, as noted within this document.
 - Keep up-to-date records throughout the procedure.
 - Liaise with all parties involved to ensure the complaints procedure runs smoothly. This may include the Complainant, any appointed roles and responsibilities under this policy and procedure, Senior Management Team (SMT) and Chair of Trustees where appropriate.
 - Be aware of and raise issues in regard to sharing third party information.

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- Understand the Complainant's need for additional support, including interpretation support if required.
- Arrange meetings as required, setting the date, time, and venue of all meetings, ensuring that they are appropriate, convenient, and accessible to all parties involved.
- Ensure that the minutes of any formal meetings are circulated as appropriate.
- Record the proceedings at formal complaints meetings.
- Set dates, times, and venue of any required meetings.
- Act as a point of contact for the complainant if required.

3.3 The **Investigating Officer (IO)** is usually a member of the SMT (but could be any delegated employee of the Charity) who is impartial to the complaint. To clarify, while the CEO is usually the first point of contact for any complaint received the CEO will not always act as the IO, they can appoint an appropriate individual to investigate and deal with the matter, this allows for the CEO to be the **Appeals Panel Chair (APC)** if deemed appropriate. The IO may also act as the CC, if deemed appropriate. The role of the IO includes:

- Providing a sensitive and thorough interviewing process of the Complainant in order to establish what has happened and who is involved, if required.
- Where a written formal complaint is received, consideration of all records, evidence and relevant information available.
- Interviewing all relevant parties that are involved in the complaint, this may include employees and children or young people.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the Complainant and CC to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of action to take.
- Record and evidence any actions taken.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the Complainant in a fair, clear, and understandable manner in writing.
- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the Charity can make to prevent reoccurrence of the problem.

3.4 The **Complaints Appeal Panel (CAP)** will be appointed once a fully detailed letter of appeal is received. The panel will be made up of a minimum of three people, they may include members of the Board of Trustees, SMT, or other independent individuals (external or employee). The panel will appoint an APC based on relevant expertise and experience and will be responsible for chairing any meetings and having the deciding vote where the CAP is split. The CAP will have responsibilities to:

- Review the investigation and response and investigate further if the CAP deems it necessary.
- The CAP will arrange any formal complaints appeal meetings, if required (please note not all complaints require a meeting, this is open to request by either the Complainant or the IO, however, where a request is made the other party should accommodate the request).
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.

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- If you are required to attend a meeting, help put at ease individuals involved who may not be comfortable in this environment, particularly any children or young people involved.
- Give both the Complainant and representatives of the Charity the opportunity to state their case and seek clarity without undue interruption in any meeting held.
- Provide copies of any relevant written material or evidence to everyone in attendance of any meeting.
- Liaise with the CC to ensure the procedure runs smoothly.
- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the Charity can make to prevent reoccurrence of the problem.

3.5 Roles involved in the process for clarification.

- The Complainant/s - person with the complaint, whether singular or multiple.
- The CC - ensuring timescales are met.
- The IO - investigation and response.
- The CAP - review investigation and appeal and respond.
- The APC – part of the CAP, will have final decision of a split vote, where necessary.

3.6 Responsibilities

All panel members (made up of the CC and the IO at investigation stage, or the CC and the APC and CAP at appeal stage) will be aware that:

- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the CAP.
- Reconciliation between the Charity and Complainant is not always achievable, and it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

4. Timeframe

Complaints should be addressed and resolved within a set timeframe so that recommendations may be implemented as quickly as possible.

- The complaint is received (verbal or in writing). Where received within business hours, this date is recorded as day zero (0) for the purpose of timescales within this procedure.
- The CEO appoints an appropriate IO (self or other) and CC (self or other) as soon as possible after receiving it.
- The CC informs the IO of timescales.
- The IO will confirm receipt of the complaint by sending a written acknowledgement within 2 term weeks of receipt (depending on the area of the charity the complaint relates to) and will begin the initial investigation.
- The IO will confirm or request any necessary meetings and conclude investigations within 4 term weeks following the initial two-week period.
- The IO will write to the Complainant setting out any findings, including any recommendations and actions taken within 2 term weeks following the conclusion of the investigation.
- The Complainant has the right of appeal against the IO's findings, recommendations, and actions. The appeal must be set out in writing, and fully outline all details of the basis for the appeal, the original complaint cannot simply be resubmitted in full to the CAP. The

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Complainant has 2 weeks to send in their appeal in writing, from the date of the response from the IO.

- Examples of timescales are shown below (this is an example of the longest period of time to receive, respond, investigate, conclude, and respond and time for appeal):

Receipt of complaint	Appropriate staff appointed Acknowledgement from IO	Investigation completed	Response	Appeal
Day 0	Between day 1 and 14 Either 2 term weeks or 10 term days.	Between day 15 and 42 4 term weeks / 20 term days	Between day 44 and 56 Either 2 term weeks or 10 term days.	Between day 45 and 70 (up to 14 days from date of response) Either 2 weeks or 10 days.

*If for example, the 'Response' is dated 15 August, the Appeal MUST be received by 26 August.

5. The complaints procedure and stages of complaint

The Charity will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised on our website.
- Simple to understand and put to practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

5.2 The Complainant:

- Is expected to inform the Charity of their complaint as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- Agrees that the Charity upholds a 12-month time limit in which a complaint can be lodged regarding an incident and is aware that complaints made outside of this time limit can be refused by the Charity with no right to appeal against the decision to refuse a complaint, (however, complaints will not be automatically refused and may be considered).
- Understands and agrees that timescales may change and is aware that when this occurs all parties involved will be informed of the changes in a timely manner (normally in advance).
- Is aware that complaints can be made in one of several ways as all complaints shall be considered whether made in person, by telephone, in writing, or electronically via email.

5.3 Stage 1 (Verbal Complaint):

- This stage excludes complaints about or that include the CEO, if the complaint is about the CEO the Complainant must follow the stages outlined within of this document.

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- The Complainant should talk through the complaint informally with the CEO, or if placed in writing, the Complaint moves to Stage 2 automatically.
- The Charity may request that the Complainant make an appointment to discuss this matter either in person or on the telephone as this will ensure that your concerns are listened to fully and an appropriate amount of time for the conversation is allocated.
- Whilst we endeavour to resolve all complaints at Stage 1, the Complainant may progress their complaint further by moving to Stage 2 if the Complainant remains dissatisfied with the outcome at Stage 1.
- Where the complainant prefers it, they may go to stage 2 and make their initial complaint in writing.

5.4 Stage 2 (Written Complaint):

- The Complainant writes to, or is required to send their complaint in writing to, the CEO. This can be done by letter or email to:

Deirdre Pearson, CEO
Talbot House Children's Charity
Hexham Road
Walbottle
Newcastle upon Tyne
NE15 8HW
0191 229 0111
deirdre.pearson@talbothousecc.org.uk

- The CEO will appoint appropriate personnel as outlined within this policy.
- The complaint will be acknowledged within two term weeks of receipt, in writing (usually by email) by the Charity with an indication of the timescales that will be followed, and the personnel involved which will be the CC and the IO.
- Following the acknowledgement of the complaint, the appointed IO will begin to investigate the complaint. The Charity will try to complete investigations within a 4-week period following the acknowledgment, where possible (in consideration of school holidays).
- Within two term weeks of the completion of the investigation the Complainant will be informed of the outcome, any recommendation and any actions to be taken.
- If the Complainant remains dissatisfied or believes the IO has not followed the correct process, they may escalate the complaint to Stage 3.

5.5 Stage 3 (Appeal):

- The Appeals Stage is the final internal stage of the complaints procedure.
- To appeal, the Complainant is required to write to the CAP c/o the Chair of Trustees (address details below), detailing the reasons for their appeal in full. Any appeal must be received within 14 consecutive days following the date of the outcome letter or outcome email. Any appeal received outside of this timescale may not be reviewed. To clarify, the Chair of Trustees may not form part of the CAP, however, by sending the appeal to the Chair of Trustees, this ensures that the Chair of Trustees is fully aware of any complaint for which the Charity has not been able to provide a satisfactory outcome.

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- A CAP will be formed, and an APC will be appointed.
- The appeal will be reviewed by the CAP. To allow the CAP to make a comprehensive review the Complainant must include all documentation from Stage 2, and any further documentation that they have received during or following Stage 2 from the Charity. This is to ensure the CAP has all of the relevant information to help them to understand the original complaint and all investigations, recommendations and any actions that have been taken since.
- All mail correspondence for the CAP (c/o the Chair of Trustees) can be handed in to the main office at the Charity or by post or by email, and must be marked as follows:

Private and Confidential
FAO Complaints Appeal Panel
c/o Chair of Trustees
Vicarage
High Street
Newburn
Newcastle Upon Tyne
NE15 8LQ
revallisonharding@gmail.com

- The appeal will be acknowledged within two term weeks of receipt in writing (usually by email) by the Chair of Trustees with an indication of the timescales that will be followed and personnel who will be appointed to form the CAP and as the APC.
- Following the acknowledgement of the appeal the appointed members of the CAP will begin to review the original complaint in conjunction with the letter of appeal. The CAP will also review the investigation, any recommendations including any actions already taken as well as any issues which have been highlighted during the complaints procedure.
- The CAP will try to complete the appeal review within a 4-week period following the acknowledgment, where possible. Trustees are volunteers and as such do not work full time for the Charity, therefore the timeframes of the appeal stage are likely to increase pending the complexities of the appeal and or the original complaint. This stage may or may not require further investigations, the CAP will confirm this to the Complainant once they have had an opportunity to review all of the relevant documentation.
- The CAP may or may not arrange a formal meeting to discuss the appeal with the Complainant before reaching a decision on the outcome. A meeting at the appeal stage may not be necessary.
- Within two term weeks of the review of the appeal, the Complainant will be informed of the outcome, any recommendations and of any actions to be taken.
- If the Complainant remains dissatisfied or believes the IO has not followed the correct process, they may escalate the complaint to Stage 4.

5.6 Stage 4 (External Appeals) – Direct School Employees and School Only:
External Appeals – available for complaints regarding any Direct School Employees and the School only (for example, this could be an option for a complaint about a teacher. However, this is not an available option for a complaint regarding an overgrown hedge).

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- All Complainants have a lawful right to approach the Secretary of State for Education if they believe the Charity and Trustees are acting, or proposing to act, unreasonably.
- The Secretary of State will only follow up a complaint if they believe the Charity has acted unreasonably or failed to carry out a statutory duty.
- This should be a last resort and the Complainant should highlight the stages they have already taken to resolve the problem. The Complainant should be aware that the Department for Education will not usually be able to investigate a complaint if the Child is no longer involved with the Charity (School).
- Contact details for the Department for Education are:

Secretary of State for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
0370 000 2288

5.7 Stage A (Written Complaint - about or involving the CEO only):

- The Complainant is required to put their complaint in writing, to the Chair of Trustees. This can be done by letter or by email.
- All mail correspondence for the Chair of Trustees can be handed in to the main office at the Charity or by post, must be marked as follows:

Private and Confidential
FAO Chair of Trustees
Vicarage
High Street
Newburn
Newcastle Upon Tyne
NE15 8LQ
revallisonharding@gmail.com

- The complaint will be acknowledged within two term weeks of receipt, in writing (usually by email) by the Chair of Trustees or IO with an indication of the timescales that will be followed. Please note the Charity may appoint suitably experienced external personnel to investigate this matter.
- Following the acknowledgement of the complaint the nominated IO will begin to investigate the complaint (please note: the Chair of Trustees may act as the IO and / or CC, or may appoint these roles to an appropriate person or persons who is not named in the complaint). The Chair of Trustees in this case will review all information to ensure it is unbiased. The Charity will try to complete investigations within a 4-week period following the acknowledgment, where possible, and subject to the availability of the individuals to be investigated.
- The IO will follow the same process as set out above which may or may not involve speaking to the Complainant and / or the CEO.

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- The IO will share their findings and recommendations with the Chair of Trustees before reaching a decision on the outcome.
- Within two term weeks following conclusion of the investigation the Complainant will be informed of the outcome, any recommendations and any actions to be taken. If the Complainant remains dissatisfied or believes the IO has not followed the correct process, they may escalate the complaint to Stage B.

5.8 Stage B (Appeal – about or involving the CEO only):

- The Appeals Stage is the final internal stage of the complaints procedure.
- To appeal, the Complainant is required to write to the CAP c/o the Chair of Trustees, detailing the reasons for their appeal in full. Any appeal must be received within 14 consecutive days following the date of the outcome letter or outcome email. Any appeal received outside of this timescale may not be reviewed. To clarify the Chair of Trustees may not form part of the CAP, however, by sending the appeal to the Chair of Trustees, this ensures that the Chair of Trustees is fully aware of any complaint for which the Charity has not been able to provide a satisfactory outcome.
- A CAP will be formed, and an APC will be appointed.
- The appeal will be reviewed by the CAP. To allow the CAP to make a comprehensive review the Complainant must include all documentation from Stage 2, and any further documentation that they have received during or following Stage 2 from the Charity. This is to ensure the CAP has all of the relevant information to help them to understand the original complaint and all investigations, recommendations and any actions that have been taken since.
- All mail correspondence for the CAP (c/o the Chair of Trustees) can be handed in to the main office at the Charity or by post or by email, must be marked as follows:

Private and Confidential
FAO Complaints Appeals Panel
c/o Chair of Trustees
Vicarage
High Street
Newburn
Newcastle upon Tyne
NE15 8LQ
revallisonharding@gmail.com

- The complaint will be acknowledged within two term weeks of receipt, in writing (usually by email) by the CAP with an indication of the timescales that will be followed and personnel who will be appointed to form the CAP and as the APC. Please note the Charity may appoint suitably experienced external personnel to form the CAP.
- Following the acknowledgement of the appeal the appointed members of the CAP will begin to review the original complaint in conjunction with the letter of appeal. The CAP will also review the investigation, any recommendations including any actions already taken as well as any issues which have been highlighted during the complaints procedure.

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- The CAP will try to complete the appeal review within a 4-week period following the acknowledgment, where possible. Trustees are volunteers and as such do not work full time for the Charity, therefore the timeframes of the appeal stage are likely to increase pending the complexities of the appeal and / or the original complaint. This stage may or may not require further investigations, the CAP will confirm this to the Complainant once they have had an opportunity to review all of the relevant documentation.
- The CAP may or may not arrange a formal meeting to discuss the appeal with the Complainant before reaching a decision on the outcome. A meeting at the appeal stage may not be necessary.
- Within two term weeks of the review of the appeal, the Complainant will be informed of the outcome, any recommendations and of any actions to be taken.
- If the Complainant remains dissatisfied or believes the IO has not followed the correct process, they may escalate the complaint to Stage 4 outlined above, if relevant to the complaint.

6. Recording a complaint

A written record shall be kept of any complaint made, whether made via phone, in person, or in writing:

- The Charity will hold all records of complaints centrally. Correspondence, statements, and records relating to individual complaints are kept confidential, except where the Secretary of State, Local Authority representatives, or a body conducting an inspection, requests to access them.
- The Charity reserves the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.
- Complainants have a right to access copies of these records under the Data Protection Act 2018 and Freedom of Information Act 2000.
- The Charity will record the results of a complaints (hard or electronic copies) if it is recommended that disciplinary action is taken as this will form part of the internal investigation and any subsequent disciplinary sanction issued.
- The Charity will record the results of a complaint within children's records (hard or electronic copies) if any point of a complaint relates to a child and is upheld or it is deemed reasonable to do so.

7. Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the Local Authority (LA):

- Statutory Assessments of SEND.
- Matters which may require a child protection investigation.
- School admission decisions where the LA has not offered Talbot House Children's Charity as an option.

7.1 Admission decisions:

- Where the LA has asked Talbot House Children's Charity to provide a placement and we have refused please refer to the **Admission and Discharge Policy** for details on how to lodge a complaint about this decision.

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7.2 Whistleblowing:

- Talbot House Children's Charity has a **Whistleblowing Policy** for all employees and voluntary staff. Whistleblowing complaints should not be addressed using this policy. These concerns can be directed to Ofsted by telephone on 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk.

7.3 Grievances:

- Staff grievances will be dealt with using the **Grievance Policy**.

7.4 Third Parties:

- This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the Charity premises or facilities. All complaints concerning this should be directed to the service provider.

8. Exceptional circumstances

If the Complaint suggests that a young person has been at risk of significant harm through violence, emotional abuse, sexual harassment, or neglect, it may be referred without notice to Children's Social Care and / or to the Local Authority:

- If the Local Authority Designated Officer (LADO), the Police, or Social Services decide to investigate a situation, the Charity, Chair of Trustees, or the CAP may postpone the complaints procedure.

9. Serial and persistent complaints

The Charity will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the Charity to reconsider their position.

- If a Complainant attempts to re-open an issue that has previously fully completed the complaints procedure, the Chair of Trustees will inform the Complainant that the matter is now closed.
- If the Complainant contacts the Charity regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the Charity does not have an obligation to respond.
- The Charity must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- The Charity will not take the decision to stop responding to a person lightly, however, this will occur if:
 - They have previously taken every reasonable step to address the problem.
 - They have provided the Complainant with a statement of their position.
 - The Complainant is contacting the Charity repeatedly with the same complaint.
- If the Charity believes that the Complainant is continuously contacting the Charity to cause disruption or inconvenience, or if the Complainant is being abusive or threatening, the Charity reserves the right not to respond to the Complainant.
- Once the Charity decides to no longer respond to a Complainant, the individual will be informed of this decision in writing.

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10. Policy review

- This policy will be reviewed and updated every two years in line with legislation. This policy may be subject for review prior to the date shown if deemed necessary. The HR Department or CEO will be responsible for reviewing this policy.

Appendix 1: Flowchart showing example of a complaint:

