



Complaints

EXTERNAL POLICY & PROCEDURE

Complaints Policy & Procedure	
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Content

The following sections are included in this policy document:

Statement of intent

1. Legal Framework
2. Definition of a Complaint
3. Roles and Responsibilities
4. Timeframe
5. Complaints Procedure and Stages of a Complaint
6. Recording a Complaint
7. Complaints not Covered by this Procedure
8. Exceptional Circumstances
9. Serial and Persistent Complaints
10. Policy Review

Appendix 1: Flowchart showing example of a complaints



Complaints External Policy & Procedure

Statement of intent

Talbot House Trust (North East) Limited (“the Trust”) is a charitable children’s trust and exists to improve the lives of the children and families it provides services to. The Trust 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.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the Trust as a whole, relating to any aspects of the Trust or the provision of facilities or services. Any 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 Trust must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Chief Executive Officer (CEO) of the Trust 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 Trust will ensure to deal with the complaint beginning at the correct stage of this procedure. This is to ensure the Complainant’s issues raised 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.

Complaints External Policy & Procedure

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 Conduct 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 dependent 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 Trust 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; and
- treat any person or persons involved in the complaint with respect.

3.2 The **Complaints Coordinator (CC)**, is an employee appointed by the Trust 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 clause 1 of 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 and the Chair of Trustees and the Senior Management Team (SMT), where appropriate;

Complaints External Policy & Procedure

- be aware of and raise issues in regards to sharing third party information;
- understand the Complainant's need for additional support, including interpretation support if required; and
- 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 date, times and venue of any required meetings; and
- act as a point of contact for the complainant if required.

3.3 The **Investigating Officer (IO)**, is usually a member of the SMT (or could be any delegated employee of the Trust) who is impartial to the complaint. To clarify, while the CEO is usually the first point of contact of any complaint received the CEO will not always act as the Investigating Officer, they can appoint an appropriate individual to investigate and deal with the matter, this allows for the CEO to be the Appeals Panel Chair if deemed appropriate. The Investigating Officer may also act as the Complaints Coordinator, if deemed appropriate. The role of the Investigating Officer 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 Complaints Coordinator to clarify an appropriate resolution to the problem;
- identifying and recommending solutions and courses of actions 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 Trust 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 individual (external or employee). The panel will appoint an **Appeal Panel Chair** based on relevant expertise and experience, and will be responsible for chairing any meetings and have 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 Investigating Officer, however, where a request is made the other party should accommodate the request);

Complaints External Policy & Procedure

- ensure that all issues are addressed and that outcomes are reached based on facts and evidence;
- 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 Trust 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 Complaints Coordinator 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 Trust can make to prevent reoccurrence of the problem.

3.5 Roles involved in the process for clarification

- The Complainant/s (person with complaint, whether singular or multiple)
- The Complaints Coordinator (ensure timescales are met)
- The Investigating Officer (investigation and response)
- The Appeal Panel Chair (review investigation and response)
- The Complaints Appeal Panel (review investigation and appeal and respond)

3.6 Responsibilities

All panel members (made up of the Complaints Coordinator and the Investigating Officer at investigation stage, or the Complaints Coordinator and the Appeal Panel Chair 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 Trust and Complainant is not always achievable, and that 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.

- 4.1. 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.
- 4.2. The CEO appoints an appropriate Investigating Officer (self or other) and Complaints Coordinator (self or other) as soon as possible after receiving it.
- 4.3. The Complaints Coordinator informs the Investigating Officer of timescales.
- 4.4. The Investigating Officer will confirm receipt of the complaint by sending a written acknowledgement within 2 working weeks of receipt (depending on the area of the trust the complaint relates to) and will begin the initial investigation.

Complaints External Policy & Procedure

- 4.5. The Investigating Officer will confirm or request any necessary meetings and conclude investigations within 4 working weeks following the initial two-week period.
- 4.6. The Investigating Officer will write to the Complainant setting out any findings, including any recommendations and actions taken within 2 weeks following the conclusion of the investigation.
- 4.7. The Complainant has the right of appeal against the Investigating Officer’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 Complainant has 2 weeks to send in their appeal in writing, from the date of the response from the Investigating Officer.
- 4.8 Example 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 Investigating Officer	Investigation completed	Response	Appeal
Day 0	Between day 1 and 14 Either 2 weeks or 10 working days or 10 term days.	Between day 15 and 42 4 weeks / 20 working / term days	Between day 44 and 56 Either 2 weeks or 10 working days or 10 term days.	Between day 45 and 70 (up to 14 days from date of response) Either 2 weeks or 10 working days or 10 term days.
Example date Complaint received on Friday, 01.10.2021	Example dates Monday, 04.10.2021 to Friday, 15.10.2021	Example dates Monday, 18.10.2021 to Friday, 12.11.2021	Example dates* Monday, 15.11.2021 to Friday, 26.11.2021	Example dates* Monday, 29.11.2021 to Friday, 10.12.2021

*If for example, the ‘Response’ is dated 15 November 2021, the Appeal MUST be received by 26 November 2021.

5. The Complaints Procedure and Stages of Complaint

- 5.1 The Trust 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;

Complaints External Policy & Procedure

- fairly investigated, by an independent person when necessary; and
- used to address all issues in order to provide appropriate and effective responses where necessary.

5.2 The Complainant:

- is expected to inform the Trust of their complaint as soon as possible after an incident arises in order to amend the issue in an appropriate timescale;
- agrees that the Trust 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 Trust 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 occurred all parties involved will be informed of the changes in a timely manner (normally in advance); and
- 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 in Clauses 5.7 and 5.8 of this document.
- The Complainant should talk to through the complaint informally with the CEO (or the Deputy CEO in the absence of the CEO), or if placed in writing, the Complaint moves to Stage 2 automatically.
- The Trust 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 Trust
Hexham Road
Walbottle
Newcastle upon Tyne
NE15 8HW
0191 229 0111
deirdre.pearson@talbothousetrust.co.uk

- The CEO will appoint appropriate personnel as per clause 4 of this policy.
- The complaint will be acknowledged within two weeks of receipt, in writing (usually by email) by the Trust with an indication of the timescales that will be followed and the

Complaints External Policy & Procedure

personnel involved which will be the Complaints Coordinator and the Investigating Officer.

- Following the acknowledgement of the complaint, the appointed Investigating Officer will begin to investigate the complaint. The Trust will try to complete investigations within a 4-week period following the acknowledgment, where possible (in consideration of school holidays).
- Within two 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 Investigation Officer 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 Complaints Appeal Panel 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 Trust has not been able to provide a satisfactory outcome.
- A Complaints Appeal Panel (CAP) will be formed and an Appeal Panel Chair (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 Trust. 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 Trust or by post or by email, 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 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

Complaints External Policy & Procedure

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 Trust, 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 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 Investigation Officer has not followed the correct process, they may escalate the complaint to Stage 4.

5.6 Stage 4 (External Appeals) – School Only:

- External Appeals – available for complaints regarding the School and / or School Staff.
- All Complainants have a lawful right to approach the Secretary of State for Education if they believe the Trust and Trustees are acting, or proposing to act, unreasonably.
- The Secretary of State will only follow up a complaint if they believe the Trust 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 Trust (School).
- Contact details for the Department for Education are:

Secretary of State for Education
House of Commons
London
SW1 0AA
25 5065
ministers@education.gsi.gov

Stage 4 (External Appeals) – Residential Children's Home Only:

- External Appeal – available for complaints regarding the Residential Children's Home and / or Residential Staff.
- All Complainants have a lawful right to approach the Placing Local Authority via the Placements Officer and / or the Social Worker.
- Alternatively, or in addition to the above, all Complainants have the lawful right to approach the Children's Commissioner if they believe the Trust and Trustees are acting, or proposing to act, unreasonably.
- Contact details for the Children's Commissioner:

Complaints External Policy & Procedure

Dame Rachel de Souza
The Children's Commissioner for England
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT
info.request@childrenscommissioner.gov.uk

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 Trust 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 weeks of receipt, in writing (usually by email) by the Chair of Trustees or Investigating Officer with an indication of the timescales that will be followed. Please note the Trust may appoint suitably experienced external personnel to investigate this matter.
- Following the acknowledgement of the complaint the nominated Investigating Officer will begin to investigate the complaint (please note: the Chair of Trustees may act as the Investigating Officer and / or Complaints Coordinator, 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 Trust 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 Investigating Officer will follow the same process as set out in clauses 5.3 and 5.4 above which may or may not involving speaking to the Complainant and / or the CEO.
- The Investigating Officer will share their findings and recommendations with the Chair of Trustees before reaching a decision on the outcome.
- Within two 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 Investigation Officer 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 Complaints Appeal Panel 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

Complaints External Policy & Procedure

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 Trust has not been able to provide a satisfactory outcome.

- A Complaints Appeal Panel (CAP) will be formed and an Appeal Panel Chair (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 Trust. 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 Trust or by post or by email, must be marked as follows:

Private and Confidential
FAO Complaints Appeals Panel
c/o Chair of Trustees
Talbot House Trust
Hexham Road
Walbottle
Newcastle upon Tyne
NE15 8HW
revallisonharding@gmail.com

- The complaint will be acknowledged within two 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 Trust 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.
- 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 Trust, 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 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 Investigation Officer has not followed the correct process, they may escalate the complaint to Stage 4 outlined above in clause 5.6 if relevant to the complaint.

Complaints External Policy & Procedure

6. Recording a Complaint

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

- The Trust will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State, Children's Commissioner, Local Authority representatives or a body conducting an inspection requests to access them.
- The Trust 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 GDPR and Freedom of Information Act 2000.
- The Trust will record the results of a complaint within the HR files (hard or electronic copies) if it is recommended that disciplinary action is taken as this will form part of the internal employee investigation and any subsequent disciplinary sanction issued.
- The Trust 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

7.1 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 have not offered Talbot House Trust as an option;
- Residential admission decisions where the LA have not offered Talbot House Trust as an option.

7.2 Admission decisions:

- Where the LA has asked Talbot House Trust to provide a placement and we have refused please refer to the ADMISSIONS AND DISCHARGE policy for details on how to lodge a complaint about this decision.

7.3 Whistleblowing:

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

7.4 Grievances:

- Staff grievances and disciplinary procedures will be dealt with using the Trust's Grievance and Disciplinary and Grievance Policies, as appropriate.

7.5 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 Trust premises or facilities. All complaints concerning this should be directed to the service provider.

Complaints External Policy & Procedure

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 Trust, Chair of Trustees or the Complaints Appeals Panel may postpone the complaints procedure.

9. Serial and Persistent Complaints

The Trust 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 Trust to reconsider their position.

- If a Complainant attempts to re-open an issue which 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 Trust regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the Trust does not have an obligation to respond.
- The Trust must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- The Trust 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; or
 - The Complainant is contacting the Trust repeatedly with the same complaint.
- If the Trust believes that the Complainant is continuously contacting the Trust to cause disruption or inconvenience, or if the Complainant is being abusive or threatening, the Trust reserves the right not to respond to the Complainant.
- Once the Trust decides to no longer respond to a Complainant, the individual will be informed of this decision in writing.

10. Policy review

- A copy of this policy is available on request from the main administration office and also on the Trust website: www.talbothousetrust.co.uk
- 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 SMT will be responsible for reviewing this policy.

Complaints External Policy & Procedure

Appendix 1: Flowchart showing example of a complaints

