

## 20. Complaints Policy

### Policy statement

ACT recognises that everyone who uses our services, activities and/or facilities has the right to a high standard of service and a right to complain if they are not happy with any aspect of what we do. Learning from complaints helps ACT to improve the services that are provided.

The purpose of the Complaints Policy & Procedure is to achieve the following outcomes:

#### Purpose

- a. Help ACT to provide a service of the highest standard to everyone that engages with the organisation.
- b. Help ACT to ensure that everyone that uses (or wishes to use) the organisation's services know that they have a right to complain if they need to.
- c. Help ACT to deal with complaints in a positive way and use them to improve the organisations services.
- d. Set out the issues that could be covered under this procedure.
- e. Set out the steps everyone should take if they wish to make a complaint to ACT.
- f. Set out how ACT will deal with complaints in a fair and consistent way.

### Who this Complaints Policy & Procedures applies to

This **Complaints Policy & Procedure** applies to all children, adults, parents and families, as well as carers and advocates. In addition it applies to every person that attends - or wishes to make use of - ACT's facilities and services.

However, this policy and procedure **is not** intended to be used by ACT's staff or volunteers who may be unhappy about their own experience in the workplace. In these circumstances, staff members should use the **Grievance Procedure** (found in section four of the **Employee Handbook**) and volunteers should use the **Complaints Procedure for Volunteers** found in the **Volunteers Handbook**.

The **Complaints Policy & Procedure** are also **not** intended to cover concerns that staff may have about issues of possible malpractice or wrongdoing in the workplace. These concerns should be dealt with under the **Whistle Blowing Policy & Procedure** found in this **Safeguarding Handbook**.

If anyone - whether an ACT staff member, child, adult, parent, family member, carer or advocate - is concerned that a child or adult may be at risk of harm, they should use the relevant procedures contained within this Safeguarding Handbook - rather than this Complaints Policy & Procedure.

### How ACT will seek to deal with complaints

- Defining clearly what is mean by a complaint
- Setting out a procedure that can be easily followed and understood
- Making sure that everyone knows about this policy and procedure
- Producing child and adult friendly material explaining this policy and procedure
- Reassuring people that they will not be penalised in any way for using the complaints procedure - and that ACT will respond positively to any complaints made in good faith
- Offering extra support to those who need help to make a complaint
- Taking a staged approach to complaints, that takes account of the level of seriousness and the possibility of resolution at different points
- Investigating each complaint as objectively and fully as reasonably possible
- Keeping the complainant informed during the course of the investigation, as well as about the outcome of their complaint
- Keeping clear records of complaints and of how they are resolved.

**Reviewed & Updated: April 2023**

ACT will review this **Complaints Policy** and best practice at least annually. In addition, more frequent reviews will be undertaken following a change in safeguarding legislation; following the implementation of a new activity or service which involves contact with children and/or adults at risk; following a safeguarding incident within the CCO (or one which directly concerns or affects the CCO); and/or following a significant organisational change.

## 21. Complaints Procedure

### Definition of a complaint

A complaint is a statement from someone that they are not happy about the service provided to them by ACT and that they would like this to be improved. The complaint might be about:	
Definition	<ul style="list-style-type: none"> <li>a. The behaviour of an ACT member of staff member. If this relates to allegations that someone may have harmed a child or adult - or may be at risk of doing so - then the policy relating to <b>Responding, Recording &amp; Reporting Allegations of Abuse</b> detailed in this <b>Safeguarding Handbook</b> should be used instead.</li> <li>b. The behaviour of children or adults in the group - although please note the above point relating to harm.</li> <li>c. The level, type of service received, or being refused a service altogether.</li> <li>d. The building or facilities.</li> <li>e. Written information <b>e.g.</b> style or lack of.</li> <li>f. Service received over the telephone <b>e.g.</b> not being able to get through, or being kept waiting.</li> <li>g. A child, adult, parent, family member, carer or advocate feeling that they have been treated unfairly, or in a way that is discriminatory.</li> <li>h. A specific activity or outing.</li> <li>i. Anything else related to the service provided by ACT.</li> </ul>

### Informal procedure for making a complaint

Step	Procedure for Making a Complaint: Informal
1.	If possible, the person should discuss the complaint with ACT's <b>DSO</b> . If this is not possible - for example, the complainant does not feel comfortable speaking to the <b>DSO</b> because the relationship is too difficult - the discussion should be with another member of the ACT safeguarding team.
2.	ACT's <b>DSO</b> - or an alternative ACT manager - will, in the first instance, try to resolve the matter informally. This is often possible and can mean that the problem is sorted out simply and more quickly.
3.	If an informal solution has been tried before and has not worked, or if the complainant does not feel that informal discussions are adequate or likely to be effective, stage one of the complaints procedure should be followed.

### Stage 1: Formal procedure for making a complaint

Step	Formal Procedure for Making a Complaint: Stage 1
4.	The complainant should put their concerns in writing to ACT's <b>DSO</b> or, if the <b>DSO</b> is the subject of the complaint, to ACT's <b>SSM</b> . If the complainant needs help to do this - and a family member is not able to offer this support - help will be provided by ACT's <b>DSO</b> , or, if the <b>DSO</b> is the subject of the complaint, by another member of ACT staff identified by the <b>SSM</b> .
5.	<p>ACT's <b>DSO</b> will acknowledge the complaint <b>within two working days</b> by sending a brief letter to:</p> <ul style="list-style-type: none"> <li>▪ Thank the complainant for getting in touch &amp; express regret that a complaint has been necessary</li> <li>▪ Assure them that the matter will be investigated</li> <li>▪ Set a provisional timescale for the investigation that is achievable, but avoids delay as much as possible</li> <li>▪ Explain when they will next be in contact</li> <li>▪ Offer a contact name - usually this will be ACT's <b>DSO</b> or the <b>SSM</b> - in case the complainant has any questions in the meantime</li> <li>▪ Make any temporary arrangements that may be necessary pending the outcome of the investigation into the complaint.</li> </ul>

## Complaints Procedure continued...

Step	Formal Procedure for Making a Complaint: Stage 1 continued...
6.	Normally the service to the complainant should continue as normal during the investigation into the complaint. If this is not possible <b>e.g.</b> because an individual has had to be excluded from an activity, or because the complainant does not want to use the service at that point, or because it would not be appropriate for the ACT staff member to continue working with the subject of the complaint - then this should be acknowledged and temporary alternative arrangements made, wherever possible.
7.	If the complaint is about a specific ACT member of staff or other child or adult participant, then that person (and the parent/family/carer/advocate where applicable) should be informed <b>within two working days</b> - or as soon as possible - that a complaint has been made against them and the nature of the complaint. However, the person should not be informed if doing so would compromise anyone's safety, or a police investigation.
8.	ACT's <b>DSO</b> will normally be responsible for investigating a stage one complaint. Therefore, the <b>DSO</b> should plan the investigation according to the nature of the complaint, taking into account any witnesses or specialist opinion that should be sought. As a minimum, the complainant (and parent/family/carer/advocate if the complainant is a child or adult at risk) should be interviewed. Any person who might be the subject of the complaint should also be interviewed, provided that doing so would not compromise anyone's safety, or a police investigation.
9.	If the complaint is about a building, facilities or equipment, then this should be examined.
10.	If the complaint is about access to a service, the reasoning behind a decision to offer or not offer a particular service should be examined.
11.	If, at any point during the investigation, it appears that a criminal offence may have been committed, the matter should be reported to the police; and to other statutory agencies, bodies and the <b>FA &amp; EFL</b> . Discussions should be held with the police about whether the investigation into the complaint can continue alongside their own enquiries.
12.	If it emerges at any point that a child or adult at risk may have been caused significant harm - or may be at risk of significant harm - the appropriate safeguarding procedures detailed in <b>Safeguarding Handbook</b> should be instigated <b>immediately</b> .
13.	ACT's <b>DSO</b> should make notes of the investigation - including notes of any meetings that take place - and should write a report based on their findings. The report should state clearly whether the complaint is upheld or not, and should make recommendations about how the matter can be taken forward. The report should be shared with both the complainant and the <b>SSM</b> , other safeguarding personnel as appropriate and any specific member of ACT staff, and/or other person, who may be involved. Any comments that either party may wish to make about the extent to which they accept or reject the findings of the report should be noted.
14.	Once a way forward has been agreed, this way forward should be reviewed regularly.



Unhappy with the findings of Stage 1?	Previous complaint resurfaces within 12 months?
If either the complainant (or a person who was the subject of the complaint) is not prepared to accept the findings of the report, they should confirm this in writing. The matter will now become an <b>appeal</b> and the procedure for the appeal is as defined by the <b>Formal Procedure for Making a Complaint: Stage 2</b> .	Where a complaint - that was previously handled in the preceding 12 months (from the date that the report findings have been communicated) - has resurfaced, then this will be progressed by following the procedure defined by the <b>Formal Procedure for Making a Complaint: Stage 2</b> .



## Complaints Procedure continued...

### Stage 2: Formal procedure for making a complaint

Step	Formal Procedure for Making a Complaint: Stage 2
	A stage two complaint may come about for one of two reasons. It may be a complaint that has escalated from stage one - because the complainant, or a person who was the subject of the complaint, <b>wishes to appeal</b> the findings from a stage one investigation. Alternatively, it may relate to matters that were investigated as a <b>stage one complaint within the previous 12 months and has now resurfaced</b> .
15.	Stage two complaints should be investigated either by a manager senior to ACT's <b>DSO</b> who was investigating at stage one. Alternatively, it can be investigated by a completely independent person - who is not a staff member or volunteer - and who will be nominated by the <b>CEO</b> of ACT. Therefore, the investigation will be commissioned by the <b>CEO</b> and the findings must be reported back to them.
16.	If a complaint is to progress to stage two, the complainant - this could be the original complainant or a person who was the subject of the original complaint - should again indicate in writing that they wish to complain (or complain further) and should state the reason for this.
17.	The written statement should be presented to the <b>CEO</b> , who should then, <b>within two working days</b> , respond in writing to the complainant in the same way as outlined for the stage one procedure. In addition, the <b>CEO</b> should provide the complainant with the name of the person who will investigate the stage two complaint.
18.	The procedure for the investigation and sharing of the report should be similar to that outlined in the stage one procedure.
19.	Stage two is the <b>final stage of the complaint's procedure</b> . If any party wishes to complain further following the completion of stage two, this should be taken up with an external party <b>e.g.</b> local councillor, MP or an appropriate statutory authority.

### Keeping a record of the complaint

Regardless of whether a complaint is dealt with formally or informally, accurate notes should be made by ACT's **DSO** - or the person conducting the investigation - of each stage of the process, including records of meetings. Anonymous summary notes of any complaint should also be kept on the complaints file with a reference number. This will assist ACT in the process of monitoring and learning from complaints.

**Copies of the final report should be given to the person making the complaint and to anyone who may be the subject of the complaint.**

**If the complaint leads to any disciplinary action or a referral to a statutory authority, copies of the notes made during the investigation and the report of the investigation (together with any notes relating to the outcome) should be kept confidentially on the file of any person who is the subject of the complaint.**

**All records should be maintained in accordance with the policies and procedures details in the section relating to the **Recording, Storing & Sharing of Information** within this Safeguarding Handbook.**

**Reviewed & Updated: April 2023**

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