



# Complaints Policy

**We are committed to reviewing our policy and good practice annually.**

**This policy was last reviewed on: 15<sup>th</sup> February 2021**

## **At Switch Midlands we recognise that:**

- Everyone who uses our service has the right to a high standard of support
- Those who use the service have the right to complain if they are not happy with the standard of support they receive
- Learning from complaints helps us to improve the service we provide.

## **The purpose of this policy and procedure is to:**

- Help us to provide a service of the highest standard to all those who come to Switch Midlands
- Help us to ensure that children and families using or wishing to use the project know they have a right to complain about our service if they need to
- Help us to deal with complaints in a positive way and use them to improve our service
- Set out the issues that could be covered under this procedure
- Set out the steps that children, young people and their families should take if they wish to make a complaint
- Set out how we can deal with complaints in a fair and consistent way.

This policy and procedure applies to all children, young people and families attending or wishing to attend Switch Midlands.

It is not intended to be used by staff or volunteers who are unhappy about their own experience in the workplace.

If anyone, whether staff member, volunteer, child/young person or family member, is concerned that a child or children may be at risk of harm, they should use Switch Midlands's Safeguarding Policy and procedures rather than this Complaints Policy or procedure.

We will seek to deal with complaints by:

- Defining clearly what we mean by a complaint
- Setting out a procedure that can be easily followed and understood
- Making sure that everyone knows about the policy and procedure
- Producing child and family 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

- We 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 we reasonably can
- Keeping the complainant informed during the course of the investigation and of the outcome of his/her complaint
- Keeping clear records of complaints and of how they are resolved.

## Complaints procedure

### What do we mean by a complaint?

A complaint is a statement from someone that he/she is not happy about the service provided to him/her by Switch Midlands and would like this to be improved.

The complaint might be about:

- The behaviour of a staff member or volunteer (if this relates to allegations that someone may have harmed a child or be at risk of doing so, child protection procedures should be used.
- The behaviour of other children and young people in the group (*please note the comment about child protection procedures above*)
- The level of service received
- The type of service received
- Being refused a service altogether
- The building or facilities
- Written information
- Service received over the telephone (e.g not being able to get through or being kept waiting)
- A child, young person or family member feeling that he or she has been treated unfairly or in a way that is discriminatory
- A specific activity or outing
- Anything else related to the service provided at Switch Midlands.

### Procedure for making a complaint

1. If possible, the person should discuss the complaint with a member of staff from Switch Midlands. If this is not possible (for example, the complainant does not feel comfortable speaking to the staff because the relationship is too difficult) the discussion should be with the CEO.

2. The staff member or CEO 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 One

- The complainant should put their concerns in writing to the CEO. If he/she needs help to do this, and a family member is not able to offer this support, help should be provided by a member of staff identified by the CEO.
- The complainant should give the written complaint to the CEO within 24 hours. The CEO should then acknowledge the complaint within two working days by sending a brief letter to:
  - Thank the complainant for getting in touch
  - Express regret that a complaint has been necessary
  - Assure him/her that the matter will be investigated
  - Set a provisional timescale for the investigation that is achievable but avoids delay as much as possible
  - Explain when the CEO will next be in contact
  - Offer a contact name (usually the worker or the CEO's own name) in case the complainant has any questions in the meantime
  - Make any temporary arrangements that may be necessary pending the outcome of the investigation into the complaint.
- Normally the service to the complainant should continue as normal during the investigation into the complaint. If this is not possible (e.g because a child 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 worker to continue working with the child/family) then this should be acknowledged and temporary alternative arrangements made, if possible.
- If the complaint is about a specific staff member, volunteer or other child/young person, then that person (and the parent/carer if the person is a child) should be informed within two working days (or as soon as possible) that a complaint has been made against him/her 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.
- The CEO should normally be responsible for investigating a stage one complaint. The CEO 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/carer if the complainant is a child/young person) 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.
- If the complaint is about a building, facilities or equipment, then this should be examined.
- 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.
- 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.

Discussions should be held with the police about whether the investigation into the complaint can continue alongside their own enquiries.

- If it emerges at any point that a child may have been caused significant harm or may be at risk of significant harm, child protection procedures should be instigated immediately.
- The CEO should make notes of the investigation, including notes of any meetings that take place, and should write a report based on his/her 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 any specific member of staff, volunteer or other child, who may be involved. Any comments that either party may wish to make about the extent to which he/she accepts or rejects the findings of the report should be noted.
- Once a way forward has been agreed, this should be reviewed regularly.
- If either the complainant or a person who is the subject of the complaint is not prepared to accept the findings of the report, they should confirm this in writing. The matter then becomes a stage two complaint.
- A complaint also progresses to stage two if it has previously (i.e within the last 12 months) been handled as a stage one complaint but has resurfaced.

## Stage Two

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 wishes to challenge the findings from a stage one investigation. Alternatively, it may relate to matters that were investigated as a stage one complaint within the previous 12 months and have resurfaced.

- Stage two complaints should be investigated by a completely independent person, not employed or acting as a volunteer for Switch Midlands who should be nominated by Switch Midlands' management board. The investigation should be commissioned by the management board and findings reported back to the chair of the board.
- 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 he/she wishes to complain (or complain further) and should state the reason for this.
- The written statement should be presented to the chair of the board, who should then, within two working days, respond in writing to the complainant in the same way as indicated in the stage one procedures. In addition, the chair should provide the complainant with the name of the person who will investigate the stage two complaint.
- The procedure for the investigation and sharing of the report should be similar to that outlined in the stage one procedure.

- Stage two is the final stage of the complaints procedure. If any party wishes to complain further following the completion of stage two, this should be taken up with an external party (e.g local councillor, MP or commissioning body).

### **Keeping a record of the complaint**

Regardless of whether a complaint is dealt with formally or informally, accurate notes should be made by the key worker or investigating CEO of each stage of the process, including records of meetings. 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.

Anonymous summary notes of any complaint should also be kept on the complaints file. This will assist Switch Midlands in the process of monitoring and learning from complaints.