

Complaints Policy

Policy Statement

The Red Hen Project's Trustees acknowledge their responsibility to establish procedures for dealing with complaints relating to the charity or to the provision of facilities or services.

This policy sets out how to make a complaint, how we deal with and resolve complaints, including appeals.

The purpose of a Complaints Procedure is to provide a comprehensive, open, transparent, fair and timely vehicle through which:

- Something that may have gone wrong can be identified, acknowledged and, where necessary, put right;
- An apology may be made where appropriate;
- The Charity can, where appropriate, learn from the process, making it less likely that a similar complaint will be brought in the future.

What is a complaint?

The Red Hen Project uses the Local Government Ombudsman definition of what is a complaint;

‘an expression of dissatisfaction about a service (whether that service is provided directly, by a contractor, or by a partner) that requires a response.’

Copies of the procedure will be available from The Red Hen Project, and on our website, we will ensure that it is easy to find through a link on the ‘Policies’ page.

Timescales for complaints

The Trustees have accepted the view of the Department for Education that a complaint should normally be expected to lodge their complaint within 90 calendar days of the event being complained about. The 90 day limit has been established because investigation is more difficult after a period of time: memories may not be as clear as they would have been earlier, and records may not be as readily available. A delay in making a complaint may also disadvantage any person who is the subject of it, making it more challenging for them to defend themselves for the same reasons.

In exceptional circumstances, the Chair of Trustees, acting on behalf of the Trustees, will consider complaints submitted outside this timeframe. In such instances the complainant will need to offer an explanation as to why there has been a delay in making a complaint.

Where a number of complaints are made in one letter of complaint, some of which lie outside the timeframe, the Chair of Trustees will determine which complaints can be considered, taking account of their relevance to the substantive complaint or complaints made within the timescale.

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Links to other policies

N/A

Legal Framework

N/A

Procedures

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Preliminary stage – dealing with concerns informally

Before the formal processes are invoked every effort should be made to resolve matters informally. This is in line with complaints policies nationally.

Some issues are likely to be best resolved through discussion with a member of staff. In some cases, though, a person may feel the need to escalate the matter to the Project Manager.

Initially staff will seek to resolve matters through provision of information and clarification. Where it is clear that there is a significant level of challenge, staff will refer the matter to the Project Manager as a cause for concern. The Project Manager will then seek to resolve the matter through discussion with those expressing concerns. Staff are advised not to engage in prolonged correspondence of an argumentative nature but to refer the complaint to the Project Manager at that stage.

Whether attempts to resolve concerns at an informal stage are by telephone conversation or through meetings, staff should take a note of any agreed action points and summarise these at the end of the conversation. The notes should be circulated promptly to those involved in the discussion.

The formal Complaints Procedure will not normally be accessed unless the Project Manager has first been given the opportunity to discuss the matter with the complainant, either by telephone or, preferably, in person.

Where the Project Manager is unable to resolve matters through discussion, the parent will be asked if they wish to make a formal complaint to the Project Manager. This complaint should be made in writing using the formal Complaints Form at the end of this document.

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Part 1 – Making a formal complaint to the Project Manager

- 1.1. The procedure for making a formal complaint requires a complainant to complete, and to submit, a Complaint Form and to do so within 90 school days of the issue about which they are complaining.
- 1.2. The Project Manager will acknowledge the complaint form in writing within 3 school days and investigate the matter so that the complainant receives a response within 10 school days. On occasion, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Project Manager will write to the complainant explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued.
- 1.3. If the complaint is against the Project Manager, the complaint form should be sent directly to the Chair of Trustees, c/o The Red Hen Project. The procedures set out in Part 2 of this document should then apply.

Expected Outcomes

- 1.4 Normally there are two possible outcomes from a complaint. These are action taken by the project to put matters right. This might involve one or more of the following:
 - A review of policy or procedure
 - Changes to routines
 - Action to remedy a health and safety concern
 - Restorative work involving a child or parent/carer and a member of staff
 - Risk assessment to determine the likelihood of similar problems recurring
 - An apology
 - Action towards a member of staff (on the occasions that this is of a disciplinary nature, no further information can be shared as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers).
 - A decision that no action is necessary or justified.
- 1.5 The Trustees will not normally award financial compensation unless required to do so by virtue of legislation.

The Complaint Form

- 1.6 A complainant who has first discussed the issue with the Project Manager may make a complaint and to do so they must use the Complaint Form. The complainant is asked to be brief and clear about the issue and to state what would, for them, provide a resolution to the complaint. Unless there are exceptional circumstances, the complaint form should be submitted within 90 school days of the issue causing complaint.

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Arranging Help for the Complainant to Articulate Concerns & Understand Procedure

- 1.7 If a complainant wishes to seek help in explaining the issue and/or with completing the Complaint Form, then support may be available from one of the following sources:

From School Staff. The Trustees accept that a member of staff may provide support unless the Project Manager agrees that there is good reason why they should not do so. This support does not extend to support with the basis of the complaint per se, rather it is restricted to advice on how best to present the information.

From external sources. A complainant may, if they wish, seek support from any person who is not a member of staff, including legal support or from statutory and charitable organisations. A complainant may nominate a person to issue, and to receive, correspondence on their behalf. Whilst the project acknowledges that, on rare occasions, parents may wish to contact solicitors, the project will not accept a complaint from a legal representative. The project will not use legal representation within the complaint resolution process but nor will parents' legal representative be permitted to attend relevant meetings.

Part 2 – Referring a formal complaint to the Chair of Trustees

- 2.1 Where the complainant considers that the Project Manager's written response does not resolve the complaint, the complainant may ask the Chair of Trustees to reconsider the Project Manger's response. This request should be made within 10 school days of receiving the Project Manger's response.
- 2.2 If the complaint is about the Project Manager then the complaint form will be submitted direct to the Chair of Trustees. Unless the complaint is about the Project Manager, the Chair of Trustees will not consider the complaint unless the Project Manager has had opportunity to seek to resolve the matter first.
- 2.3 If the complaint is about the Chair of Trustees then the complaint form should be sent to the Vice Chair of Trustees who will act in the role of Chair for this process.

The procedure

- 2.4 If delivering or posting a letter, the complainant must address it to the Chair of Trustees at the project address and should write 'Formal Complaint' on the envelope. This will ensure that the complaint is dealt with promptly and enable the project to comply with the timescales set out in the policy.
- 2.5 The complainant should not share the complaint with other trustees. A detailed knowledge of the complaint will preclude trustees from serving on a review panel if the complaint is not resolved through the good offices of the Chair. Trustees receiving a complaint in this way should immediately refer it back to the Chair without considering the content.

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- 2.6 The Chair of Trustees will acknowledge the complaint form in writing within 3 school days of receipt and investigate the matter so that the complainant receives a response within 10 school days. On rare occasions, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Chair will write to the complainant explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued.
- 2.7 As part of the investigation, the Chair will make early contact with the complainant and either propose a meeting or substantial telephone call to consider the issues raised. If telephoning, the Chair should determine whether it is necessary to withhold any number that is not the project's telephone number.
- 2.8 The focus of that conversation should be to:
- Consider any gaps on the complaint form;
 - Consider any aspects of the complaint where additional clarification is required;
 - Consider the extent to which any evidence is available that has not been mentioned on the complaint form
 - Establish the complainant's view as to witnesses who might need to be interviewed;
 - Establish what would provide for the complainant an acceptable resolution to the complaint;
 - Establish whether there is any pressing reason for the matter to be investigated more quickly than the published timescale allows for;
 - Discuss with the complainant whether there is anything that might help resolve matters outside the complaints procedure, for example, alternative dispute resolution methods.
- 2.9 The key elements of the Chair's investigation are likely to include:
- Achievement of a shared understanding with the complainant of the nature of the complaint and of what it is that remains unresolved;
 - Establishing what has happened and who was involved;
 - Interviews and/or written statements from those adults and children whose information and views, in the opinion of the Chair of Trustees, need to be taken into account; although the final decision of whom to interview rests with the Chair, it is expected that the voice of affected children will be heard and be given sufficient weight.
 - Sensitivity and thoroughness when conducting interviews;
 - A detailed report that will provide a clear record that will be helpful for any subsequent review;
 - A clear analysis of the information and conclusions reached;
 - An authoritative outcome that is based on the evidence and does not merely state acceptance of evidence;
 - Recommendations to resolve the complaint.

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Expected Outcomes

2.10 The Chair will report on the extent to which s/he considers the complaint is fully, or in part:

- **Substantiated** i.e. where there is sufficient evidence to uphold the complaint
- **Malicious** – i.e. where it is proven that the complainant has no case and where, also, there is evidence that the complainant deliberately tried to deceive the project, made the complaint as part of a deliberate attempt to cause distress or otherwise acted with malice
- **False** – i.e. where there is sufficient evidence to prove that there was not legitimate basis to the complaint, or
- **Unsubstantiated** – i.e. where there is insufficient evidence to reach a conclusion.

2.11 In terms of future actions there are two possible outcomes from a complaint. These are:

- Action taken by the project to put matters right. This might involve one or more of the following:
 - A review of policy or procedure
 - Changes to routines
 - Action to remedy a health and safety concern
 - Restorative work involving a pupil and/or parent/carer and a member of staff
 - Risk assessment to determine the likelihood of similar problems recurring
 - An apology
 - Action towards a member of staff (on the rare occasions that this is of a disciplinary nature, no further information can be shared as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers).
- A decision that no action is necessary or justified.

2.12 The Trustees will not normally award financial compensation unless required to do so by virtue of legislation.

2.14 The letter from the Chair of Trustees represents the conclusion of the Chair's consideration of the complaint. The complainant will be advised that the matter is now closed.

2.15 If the complainant is unhappy with how the project has dealt with the complaint, they can contact the Charity regulator; The Charity Commission;

<https://forms.charitycommission.gov.uk/raising-concerns/>

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This policy was adopted at a meeting of The Red Hen Project Trustees	
Held on	6 July 2018
Date to be reviewed	During 2021/22
Signed on behalf of the trustees	
Name of signatory	Lesley Ford
Role of signatory (e.g. chair)	Chair

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APPENDIX 1

Complaint procedure (summary)

INFORMAL STAGE

Project staff seek to resolve the complaint informally through discussion with the complainant. A complaint will not normally be considered unless the complainant has first raised the matter informally with the Project Manager.

The complainant should submit a formal complaint within 90 school days of the cause for complaint.

FORMAL PROCEDURE – Stage 1* (up to 10 school days total)

Written complaint to the Project Manager

- Received by Project Manager
- Acknowledgement – 3 school days
- Investigation (including any discussion with the complainant)
- Formal Response (from the Project Manager – 10 school days from receipt)

*If the complaint is about the Project Manager then the complaint will be directed to the Chair of Trustees and considered as a Stage 2 complaint.

FORMAL PROCEDURE – Stage 2 (up to 10 school days total)

Complaint to the Chair of Trustees requesting review of Project Manager

- Received by Chair of Trustees (within 10 days of the Project Manager’s response)
- Acknowledgement – 3 school days
- Investigation (including any discussion with the complainant)
- Formal Response (from the Chair of Trustees)– 10 school days from receipt

The conclusion of Stage 2 brings to an end the Trustees’ role in considering the complaint.

Complainants who remain dissatisfied may wish to contact the Charity Commission.

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APPENDIX 2

Sample acknowledgement letter from Project Manager/Chair of Trustees

ISSUED ON HEADED PAPER

[DATE/HEADER etc.]

I am writing to acknowledge receipt of your complaint dated [INSERT DATE] that was received on [INSERT DATE]. I will be investigating this complaint and will write to let you know the outcome. You should expect me to have issued my response to you by [INSERT DATE THAT IS 10 SCHOOL DAYS FROM DATE OF RECEIPT].

As a first step, I will be making contact to arrange a meeting with you to:

- check my understanding of what the complaint is about;
- check whether anything in the Complaint Form can be withdrawn;
- check whether anything might be added to what is written in the Complaint Form;
- check whether any evidence is available that was not referred to in the Complaint Form;
- establish what would be an acceptable outcome for you;
- discuss whether there is anything that might help resolve matters without recourse to the Complaints Procedure, for example, through mediation.

Wherever possible, I am committed to ensuring the timescales within the Complaints Procedure are adhered to.

This is a confidential matter and I want to reassure you that I will not be discussing this with anyone other than you and those I need to see as part of the investigation. Please could I ask you likewise to keep this matter confidential so the investigation is not prejudiced in any way (for example through the use of social media). If the complaint requires more time to consider than the standard 10 school days laid out in the policy, I will let you know, indicating when you can expect to hear from me.

Yours sincerely

[INSERT NAME]

Project Manager / Chair of Trustees

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Complaint form

Section A – Your Details

Title – Mr/Mrs/Ms/Other	
Surname	
Forename	
Home Tel No	
Mobile Tel No	
Email Address	
Address and Postcode	

How would you prefer us to contact you?

Section B - Please give details of your complaint here (use a continuation sheet if necessary)

What would constitute a satisfactory resolution of your complaint?