



BYB@Blackrod

Complaints Policy

APRIL 2024

Approved by: Trustees on 17 APRIL
2024

Last reviewed on: APRIL 2024

Next review due by: APRIL 2025

BYB@Blackrod view complaints as a valued opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint. We define a complaint as a communication either verbally or in writing where the complainant is dissatisfied with some aspect of BYB@Blackrod's operations and expects a remedy. We will not log minor issues as a complaint where we are simply informed of a problem.

Our policy is to:

- provide a complaints procedure that is clear and easy to use
- ensure complaints are, wherever possible, resolved informally and amicably
- ensure all complaints are investigated fairly and in a timely manner
- gather information that helps us to improve what we do
- review complaints at Trustee Board meetings, to identify any trends that may indicate a need to take further action.

Who can make a complaint?

Any person, including members of the public, may make a complaint to BYB@Blackrod about any provision of facilities or services that we provide, and we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'*

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action.'*

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Trustees take concerns seriously and will make every effort to resolve the matter as quickly as possible.

In the first instance, we would ask that you express your concern to the BYB coordinator but if you have difficulty discussing this concern, we will respect your views. In these cases, please refer the concern to one of the trustees who will follow the complaints procedure. Similarly, if the member of staff directly involved feels unable to deal with a concern,

trustees will support. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised first with the BYB coordinator. If the issue remains unresolved, the next step is to make a formal complaint.

External complaints procedure

Formal complaints should be made in the first instance, to the chair of the trustees for BYB@Blackrod and should be sent for the attention of Chair of BYB@Blackrod c/o Blackrod Primary School, Manchester Road, Manchester Rd, Blackrod, Bolton BL6 5SY
Please mark correspondence as Private and Confidential.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, assisting complainants in raising a formal complaint or holding meetings in accessible locations. All complaints should be handled considerately and compassionately.

1. Informal complaint: Those involved with the day-to-day running of BYB@Blackrod should aim to resolve minor issues quickly and informally, liaising with the Chair of Trustees if appropriate.
2. Formal complaint: where an informal resolution is not possible the complainant should be informed of their right to have a written response (where applicable) from a named person at Trustee level. This is then a formal complaint and should be dealt with within 2 weeks*. Formal complaints should be handled by the Chair, if it is about the Chair, it should be handled by the Secretary. Details should be recorded, and the complainant informed of the complaints procedure and how long it will take.

The record should include:

- the complainant's name, address, email and/or telephone number –
 - the relationship of the complainant to BYB@Blackrod (e.g. client, contractor, etc.)
 - the facts of the complaint. Where appropriate, the complainant should be invited to send a written account by post or by email so that the complaint is recorded in the complainant's own words.
3. If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond.
4. The complainant should be responded to as soon as possible. Where the 2-week timescale is not possible (e.g. the investigation is not complete), a progress report should be sent which will include an indication of when a full response will be given. The full response should cover:
- the action taken to investigate the complaint
 - the conclusions from the investigation
 - any action taken as a result of the complaint.
5. If the complainant is not satisfied with the result they can request that the complaint is reviewed at Trustee Board level. This will take place at the next quarterly Board meeting (the Chair has the discretion to call a special meeting of the Board if the circumstances warrant it).

Complainants should be notified of the date of the Board meeting and expect to hear the outcome within 1 week of that meeting.

The decision taken at this stage is final.

6. The complainant can complain to the Charity Commission at any stage. Information about the kind of complaints the Commission can involve itself in can be found on their website at: <https://www.gov.uk/complain-about-charity>

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Chair of trustees if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time*

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of Complaints

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against BYB@Blackrod in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, BYB@Blackrod wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with BYB@Blackrod in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning

- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Trustees will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Policy for managing serial and unreasonable complaints

BYB@Blackrod is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have. However, we do not expect our team to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with BYB@Blackrod such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully

answered, often immediately and to their own timescales

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the complaint procedure has been fully and properly implemented.
- seeks an unrealistic outcome
- makes excessive demands by frequent, lengthy, and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication relating to the complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Chair of Trustees will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Chair of Trustees will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. Ultimately, if a complainant persists to the point that we consider it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.