

**OVERWORLD**

# COMPLAINT PROCEDURE

SEPTEMBER 2023

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## Introduction

The Organisation is committed to providing outstanding opportunities for all Children & Young people (CYP) attending Overworld AMP Ltd. The Organisation welcomes compliments & complaints & we use this process positively to improve our services. We recognise that, occasionally, mistakes will be made or the service offered will not meet an individual's requirements or expectation & we encourage people to enter into constructive discussions with us in order to positively resolve any problems or complaints swiftly & effectively.

This Policy is available on the Organisation's website. Where our clients – parents/carers, Local Authorities, placing schools need support to raise a concern or make a complaint about their CYP's provision, we will work responsively with them to facilitate communication.

**If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, Mark Pickering, Director of Overworld AMP Ltd should be informed immediately & those policies & procedures followed. [Mark.pickering@overworld-amp.uk](mailto:Mark.pickering@overworld-amp.uk)/07885 782742**

**If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding**

- **Surrey 0300 123 1650 (option 3)** or email [LADO@surreycc.gov.uk](mailto:LADO@surreycc.gov.uk)
- **Hampshire 01962 876364** or [Link to LADO initial enquiry form & referral form](#)
- **Berkshire** (select your region using this document) [Link to the LADOs within Berkshire](#)

## Aims

- ✓ To provide a simple, clear procedure for anyone wishing to make a complaint about the Organisation's staff or practice
- ✓ To demonstrate that the Organisation is committed to the continuous improvement of its services & we will use complaints to improve the service which we offer.
- ✓ To treat every complaint with seriousness, fairness, honesty & impartiality, in order to ensure that our CYP continue to have an outstanding experience outstanding
- ✓ Will deal with concerns, difficulties & complaints in accordance with its duty under the Equality Act 2010
- ✓ Successfully resolve any concerns & complaints swiftly

## Data protection

Complaints sometimes include requests for information or documentation. Such requests will either be a 'subject access request' under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general & not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within 40 calendar days, & requests under the Freedom of Information Act 2000 must be responded to within 20 working days.

## COMPLAINT PROCEDURE

### Who can make a complaint?

Any person, including members of the public, may make a complaint to the Organisation about any provision of facilities or services that we provide.

### The difference between a concern & 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.'*

Many issues can be resolved informally, without the need to use the formal stages of this procedure but if you have any difficulty discussing a concern with a particular member of staff, we will respect your views.

In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be; the ability to consider the concern objectively & impartially is more important.

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

We understand that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally & when necessary, with the placing school or authority, through the stages outlined within this complaint procedure.

### How to raise a concern or make a complaint

1. A concern can be raised in person, in writing or by telephone. They may also be made by a third party acting on behalf of the person with the concern if they have appropriate consent to do so.
2. Concerns should be raised in the first instance with the member of staff to which you have concern or any Manager. For finance concerns please contact Julie Pickering
3. If the issue remains unresolved, the next step is to make a formal complaint, using the Stage 1 Complaint form (Appendix A). If you require assistance with completing the form, please contact our team. You can also ask a third-party organisation such as the Citizens Advice to help you. In accordance with equality law, we will consider making reasonable adjustments if required, to enable

complainants to access & complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

! Complainants should not approach the Simon Bradley, Chief Operating Officer to raise concerns or complaints; he has no power to act on an individual basis & it may also prevent him from considering complaints at a later stage of the procedure

! We will not normally investigate anonymous complaints. However, the Mark Pickering, Managing Director, if appropriate, will determine whether the complaint warrants an investigation.

Complainants should look to limit the numbers of communications with the Organisation while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email, or text) as it could delay the outcome being reached.

### **Timescale for making a complaint**

You need to raise the complaint within 10 days of the incident or, where a series of associated incidents have occurred, within one month of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

### **Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly & without informed consent of all parties being recorded.

### **Deviation from the procedure**

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed & reasons for the deviation given.

### **Staff grievances**

Complaints from staff will be dealt with through the Organisation's *Staff Grievance Procedures*.

### **Staff conduct**

Complaints about staff will be dealt with through the Organisation's *Staff Disciplinary Procedures*, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint however, the complainant will be notified that the matter is being addressed.

## Whistleblowing

The Organisation has an internal whistleblowing procedure for all our employees, including temporary staff & volunteers *Appendix 10 of the Child & Young Person Protection Policy & Procedures*.

### Complaints about the Managing Director

Where a complaint concerns the Mark Pickering, Managing Director, the complainant should first directly approach the Mark to resolve the issue informally. If the complainant is not satisfied with this outcome, or if they have good reason to feel it is inappropriate to approach Mark in the first instance, they should notify Simon Bradley, Chief Operating Officer, [simon.bradley@overworld-amp.uk](mailto:simon.bradley@overworld-amp.uk)

The Stage 2 process will then commence but with Simon undertaking the investigation.

### Complaints about services provided by other providers who may use our premises or facilities e.g. tutors, Occupational Therapists, carers transitioning CYP

In the first instance escalate your concern to any Manager to see if the matter can be dealt with immediately. Providers should have their own complaints procedure to deal with complaints about their service, which should then be followed.

### Resolving complaints

At each stage in the procedure, the Organisation aims 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 about will not recur
- ✓ an explanation of the steps that have been or will be taken to help ensure that it will not happen again & an indication of the timescales within which any changes will be made
- ✓ an undertaking to review policies considering the complaint
- ✓ an apology.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised & can help to rebuild the relationship between parties once all the investigative stages of the complaint procedure has been complete.

### Withdrawal of a complaint

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

## Concerns & informal complaints

It is hoped that most concerns can be expressed & resolved on an informal basis, within 5 working days. If the issue remains unresolved, the next step is to make a formal complaint.

## Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary to resolve the issue, the details of this action will remain confidential to the Managing Director &/or the individual's Line Manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings & will not receive any detail about them or the outcome.

## Timeline for Formal complaints

All timescales in this document refer to working days Monday to Friday excluding weekends.

**Stage 1:** Formal investigation by Managing Director, this process may take up to 10 working days after acknowledgement of receipt of complaint. If dissatisfied with outcomes, progressed to Stage 2.

**Stage 2:** Formal review by Chief Operating Officer, this process may take up to a further 10 working days. This is the final stage of the Organisation's complaints procedure & if dissatisfied with outcomes **we** advise contacting the Local Authority or referring school.

## Timeframes

The Organisation will endeavour to abide by timeframes stated under each stage however, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the Organisation's control.

If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible & come to an agreed timeframe that works for all parties involved.

The Organisation reserves the right not to investigate complaints that have been made two months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has become known, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. In such circumstances the Managing Director will review the situation & decide whether to enact the complaints procedure, informing the Chief Operating Officer of the decision.

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 this happens, we will inform you of any proposed new timescale. If a complainant commences legal action against the Organisation in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Stage 1 Procedure**

If it has not been possible to reach a resolution at the informal stage, the complainant may progress to the formal complaint procedure. In doing so, the following steps will be followed:

1. The complainant must explain in writing using the Stage 1 Complaint form (Appendix A)
  - a. Details of the complaint
  - b. Action taken so far, & solutions offered
  - c. Why the complaint remains unresolved
  - d. What action they would like to be taken resolve the problem.
2. Receipt of the complaint will be acknowledged within 2 working days. It is likely that the complainant will be invited to meet with the Managing Director or a designated member of the Management Team to discuss the matter.
3. At the meeting the concerns will be discussed, & resolution will be sought. If agreement can be reached at that point on a way forward which is satisfactory to all parties. If the issues are not resolved by the end of the meeting, the Managing Director or designated member of the Management Team will commence a full investigation.
4. After considering the available evidence, the Managing Director or designated member of the Management Team may:
  - uphold the complaint & direct that certain action be taken to resolve it
  - uphold the complaint in part: in other words, the Managing Director or designated member of the Management Team may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
  - not uphold the complaint & provide the complainant with details of the Stage 2 complaint review process
5. The Managing Director or designated member of the Management Team will inform the complainant of their decision in writing within 10 working days of the meeting. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions because of the complaint. Finally, they should provide the complainant with details of how to progress the



complaint to stage three if they are not satisfied, providing them with the contact details of the Chief Operations Officer.

6. The Managing Director &/or designated member of the Management Team will not have any discussion regarding any formal complaint made regarding the organisation & practice at the Organisation with the Chief Operating Officer. In turn the Chief Operating Officer will not seek opinions of any formal complaint made.
7. The Managing Director will ensure that there is a record of the concern & the outcomes of the investigation, this will be retained by Julie Pickering, HR Administrator according to *Appendix 1 Data Retention & Disposal of Records Policy within Data Protection, GDPR & It Policy*.

## Stage 2 Procedure

If it has not been possible to reach a resolution at stage 1, the complainant may progress to the formal complaint procedure. In doing so, the following steps will be followed:

1. The complainant must complete the Stage 2 Formal Complaints Form (Appendix B), identifying
  - a. the reasons why they feel that the complaint has not been fully investigated thus far
  - b. which element(s) of their complaint remain unresolved
  - c. what outcome they are seeking from the Stage 2 Complaint Review within 10 days of receiving the Managing Director or member of the designated Management Team's decision or it will not be considered, except in exceptional circumstances.

! The Chief Operating Officer should not have received any information regarding any formal complaint & should only be aware of any such complaint once receiving a Stage 2 formal complaint form from the complainant !

- ✓ The aim of the Complaint Review meeting is to review how the Organisation has managed the complaint, not to reinvestigate the complaint itself. This will include reviewing evidence & outcomes from Stage 1 & evaluating whether the Organisation has followed its policies & procedures.
- ✓ Consideration should also be given to achieving reconciliation between both parties; however, it must be recognised that this is not always possible.
- ✓ The Chief Operating Officer will fulfil the role of organising the time & date of the review meeting, inviting all the attendees, collating all the relevant documentation, & distributing these 5 days in advance of the meeting, recording the proceedings in the form of minutes, & circulating these & the outcome of the meeting.

- ✓ The minutes are a summary of the discussion at the review meeting & the decision of the Chief Operating Officer following the meeting.
- 2. The Chief Operating Officer will write to the complainant within five days to confirm receipt of the Stage 2 form & detail further action to be taken.
- 3. The complaint review meeting will take place within 10 days of receipt of the request for the Stage 2 complaint review. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these all fail to be suitable or the complainant cancels the meeting at the last minute for whatever reason, then the Chief Operating Officer may opt to conduct the Complaint Review meeting in private, without neither party being represent. Their considerations will be based upon the documentary evidence previously provided by both parties. This is to ensure that the matter is resolved as soon as possible in the best interests of all parties.
- 4. The Chief Operating Officer will invite the following parties, where applicable:
  - the complainant
    - The complainant may ask to be accompanied to the meeting by a companion. It is advisable for this person to be independent from the Organisation, for reasons of confidentiality & to avoid conflict of interest. The complainant should advise the Chief Operating Officer of the name of this supportive companion prior to the hearing.
    - The supportive companion is there primarily as a witness; however, they may speak/advocate on behalf of the complainant with the prior agreement of the Chief Operating Officer.
  - the Managing Director &/or the member of the management team who dealt with the complaint at Stage 2.
  - An administrator for the purpose of taking minutes

Due to the nature of the review meeting it is recommended that there is no necessity to have legal representation for either party. This is not a form of legal proceeding but the primary goal being:

- ✓ reconciliation
- ✓ to put right things that may have gone wrong

However, we also recognise there are occasions where legal representation may be appropriate.

- 5. The Chief Operating Officer can make the following decisions:
  - dismiss the complaint in whole or in part
  - uphold the complaint in whole or in part

- decide on the appropriate action to be taken to resolve the complaint
  - recommend changes to the Managing Director regarding the Organisation's systems or procedures to ensure that problems of a similar nature do not recur
6. All parties who attended the meeting will be informed in writing of the outcome of the review within 10 days.

This is the final stage at which Overword will consider the complaint. If the complainant remains dissatisfied & wishes to take the complaint further it is suggested that they present their complaint to, the CYP's placing school or caseworker or the Duty LADO in their region. The Organisation will not consider the complaint beyond this.

### **Duplicate complaints**

After closing a complaint at the end of the complaint procedure should a duplicate complaint be received from:

- a spouse
- a partner
- a grandparent
- a third party

The following action will be taken:

1. If the complaint is about the same subject, the new complainant will be informed by the Organisation that this has already been considered & that complaint & the local process is complete.
  2. The new complainant will be advised to present their complaint to The CYP's placing school or caseworker or The Duty LADO for their region.
- Consideration will be taken not to overlook any new aspects to the complaint that may have not have previously considered. These will be investigated & dealt with in accordance with the complaint procedure.

### **Unreasonable complaints & serial & persistent complainants**

The Organisation is committed to dealing with all complaints fairly & impartially, & to providing a quality service to those who wish to make complaint. We will not normally limit the contact complainants have with the Organisation however, we will not tolerate unacceptable behaviour & will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening.

Serial & unreasonable complainants will be defined as 'those who, because of the frequency or nature of their contacts with the Organisation, hinder our consideration of their or other people's complaints.'

A complaint may be regarded as unreasonable when the person making the complaint:

- x refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- x refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- x refuses to accept that certain issues are not within the scope of a complaint procedure;
- x insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- x introduces trivial or irrelevant information which the complainant expects to be considered & commented on, or raises large numbers of detailed but unimportant questions, & insists they are fully answered, often immediately & to their own timescales;
- x makes unjustified complaints about staff who are trying to deal with the issues, & seeks to have them replaced;
- x changes the basis of the complaint as the investigation proceeds;
- x repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- x refuses to accept the findings of the investigation into that complaint although the complaint procedure has been fully & properly implemented & completed.
- x seeks an unrealistic outcome;
- x makes excessive demands on working time by frequent, lengthy, complicated, & stressful contact with staff regarding the complaint in person, in writing, by email & by telephone while the complaint is being dealt with.
- x A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
  - x maliciously;
  - x aggressively;
  - x using threats, intimidation, or violence;
  - x using abusive, offensive, or discriminatory language;
  - x knowing it to be false;
  - x using falsified information;
  - x publishing unacceptable information in a variety of media such as in social media websites & newspapers.

Whenever possible, the Managing Director will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues the Managing Director will write to the complainant explaining that his/her behaviour is unreasonable & asking him/her to change it.

In response to any serious incident of aggression or violence, the concerns & actions taken will be put in writing immediately & the police informed. This may include banning an individual from the Organisation.

### **Barring from the premises**

Although we wish to fulfil our obligations as an alternative provision to the public, this is also a private business establishment. The public has no automatic right of entry.

The Organisation has a responsibility for the wellbeing of CYP & staff who access the centre & will therefore act to ensure that this remains a safe place. If a person's behaviour is a cause for concern & is such that it presents a risk to others, they will be asked to leave the premises.

In serious cases & where the person is known to frequent the centre on a regular basis; they can be notified in writing that their implied permission to be on the premises has been temporarily revoked subject to any representations that they may wish to make.

The Organisation will always give the person the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, considering any representations made by this person, & either confirmed or lifted. If lifted, they will be warned regarding their future conduct. If the decision is confirmed to bar the person should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Managing Director or the Chief Operating Officer. Once the Organisation's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Appendix A - Formal Complaint Stage 1 Form

NAME:	
ADDRESS	
TELEPHONE CONTACT NUMBER	
MOBILE CONTACT	
EMAIL ADDRESS	

DETAILS OF THE COMPLAINT
ACTIONS TAKEN SO FAR, WHO BY & WHAT SOLUTIONS OFFERED
WHY THIS WAS UNSATISFACTORY
WHAT ACTION WOULD YOU LIKE TO SEE SO TO RESOLVE THIS

SIGNED
DATE

### ACKNOWLEDGEMENT OF COMPLAINT (HR ADMINISTRATOR)

SIGNED	DATE
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## Appendix B - Formal Complaint Stage 2 Form

NAME	
ADDRESS	
TELEPHONE CONTACT NUMBER	
MOBILE NUMBER	
EMAIL ADDRESS	

Reasons for requesting a Stage 2 Complaint Review (reasons why you feel your concerns have not been fully addressed, & any evidence that you feel has not been fully considered)

--

Which element(s) of your complaint remain unresolved from the previous stage?

--

What outcome are you seeking from the Stage 1 Complaint Review?

--

SIGNED

DATE

ACKNOWLEDGEMENT OF COMPLAINT (HR ADMINISTRATOR)

SIGNED	DATE
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