

Fair Ways Education

Complaints Policy

(previously titled 'Service User Representation & Complaints Policy')
(Organisational Policy rebranded)

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OR86	1	New	Dan Buckle	August 2020	QSGC	N/A
OR86	2	Review no changes	Jonathan Loney	November 2022	QSGC	N/A
OR86	3	Name Change - Review changes to Points 1.8.&1.9 to include all parties. 2.2 added Outcome 20 days 2.4 Response 10 days Point 4 Allegations removed. (Now in Allegation Policy OR105)Added Point 5 re GDPR complaints.	Stephanie Power	January 2023	QSGC	N/A
OR86	4	Amended to clarify response time 20 point 2.2 and 2.3. 2.4 added paragraph re 10 day response to outcome with caveat for exceptional circumstances	Stephanie Power	April 2023	QSGC	N/A

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Fair Ways Vision, Mission and Values

Our vision

To build an institution that makes a difference to society and leaves a legacy greater than ourselves and our contributions.

Our mission

To make a difference through passionate care, support and education.

Our values

As a charity we measure our wealth by the difference we make, rather than any profit.

We believe that by embodying a culture in which every individual is valued for their own contribution, we can develop them and harness their potential, so that they may achieve great things.

Our values form the heart of the work we do, defined by Fair Ways people, for Fair Ways people. These are the values by which we operate, by which we are governed, and to which we are held accountable.

We therefore expect every individual within the organisation to *play their part*:

P ROFESSIONAL	A CCEPTING	R EFLECTIVE	T RANSSPARENT
<ul style="list-style-type: none"> We do what we say we will. We approach challenges with optimism and enthusiasm. We don't judge, we notice. We put the needs of the service before our own personal gains 	<ul style="list-style-type: none"> We don't give up on people. We value all individuals and are willing to challenge them. We embrace each other's differences as much as our similarities. We accept responsibility for our actions 	<ul style="list-style-type: none"> We give feedback, we invite feedback, we listen to feedback. We look inward before we look outward. We learn as much from our mistakes as from our successes. We listen to each other, learn from each other and grow together 	<ul style="list-style-type: none"> We are always willing to explain why. We have the courage to be open and honest. We earn trust through our transparency. We live by our values even when no-one is watching

1 Introduction

- 1.1 Fair Ways encourage our staff and foster carers to be receptive and sensitive at all times to representations and complaints made about our services. No individual or organisation is perfect and we can always learn from what people have to say about us.
- 1.2 Failure to respond promptly and sympathetically to a complaint in its early stages can sometimes lead to serious problems at a later date.
- 1.3 This representation and complaints policy aims to meet regulatory requirements but is also integral to the work of Fair Ways. We therefore regard this procedure in a positive light and see it as an important tool to help monitor and evaluate the standard of service we give to children/young people, their families, foster carers and placing local authorities.
- 1.4 Children and young people placed with Fair Ways are usually 'looked after' by or open to local authorities that have their own complaints procedures. A child/young person is looked after by a local authority if s/he is in their care by virtue of a court order or is being provided with accommodation for more than 24 hours by agreement with the parents or with the child/young person if s/he is aged 16 years or over.
- 1.5 It is therefore important to note that this Fair Ways procedure is not intended to replace the complaints procedures already established by local authorities and that procedures produced by placing local authorities will take precedence over this procedure.
- 1.6 Complainants (if not a local authority) will be consulted about which procedure will be used if more than one may be invoked. It should be noted that this procedure does not replace child protection/safeguarding, grievance or disciplinary procedures, which can run concurrently with any action taken under the representations and complaints procedure.
- 1.7 For the purpose of this procedure:
 - Representations are defined as enquiries and statements about such matters as the availability, delivery and nature of services and will not necessarily be critical. Indeed, some representations may be complimentary and are recorded on the Fair Ways compliments database overseen by the quality assurance department.
 - A complaint is a written or oral expression of dissatisfaction or disquiet in relation to concern about the quality or appropriateness of services, delay in decision-making about services, about delivery or non-delivery of services or about a disputed decision. We have based our procedure on the principles listed below:

- 1.8 We seek to create an ethos in which a child/young person, parent or foster carer, other responsible adult, professionals or member of the public can confidently make a representation or complaint knowing that it will be dealt with promptly and with fairness.
- 1.9 The procedure will be made available to children/young people, their families, foster carers, professionals and members of the public in clearly written and easily understood leaflets.
- 1.10 Any complaint should be resolved as near as possible to the point at which it arises. The level at which the complaint or representation is dealt with will reflect the seriousness of that complaint or representation.
- 1.11 Depending on the nature of the representation or complaint, the views of the child/young person will be sought and taken into account in the light of his/her age and understanding (if the child/young person is not the complainant).
- 1.12 Children/young people who may make a complaint will be assisted to access independent advocacy where this is needed. An independent element is seen as an essential part of the procedure if it is not possible to resolve a representation or complaint at local level. All representations and complaints will be recorded in writing and, where appropriate, shared with local authority colleagues (assuming the complainant is not a local authority).

2 Complaint stages

- 2.1 Fair Ways has a three stage procedure for dealing with complaints:

- Stage One Informal Problem Solving
- Stage Two Independent Investigation
- Stage Three Complaints Review Panel

- 2.2 **Making a Complaint**

Complaints can be made by emailing the designated manager of the service or by emailing complaints@fairways.co.

Complaints can be made in writing if an email is not accessible. Complaints can be sent to:

Fair Ways
Ground Floor, Building 1000
Western Road

**Portsmouth
Hampshire
PO6 3EN**

With your consent, if you have difficulties writing a complaint, a representative may write and email this on your behalf.

Any complaint will be acknowledged in writing within 72 hours.

2.2 Stage One - Informal Problem Solving

All Fair Ways staff seek, where possible, to resolve matters as part of their normal daily routines and duties but where they are unable to do so, Fair Ways staff are instructed to make the complainant aware of this procedure and advise them about who they should contact to make their dissatisfaction known.

In the first instance this will be the relevant service manager or other designated local manager who will log the complaint and specify which member of staff will address it and seek to resolve matters with the complainant.

In the event of it not being possible to resolve a complaint informally at local level then the complainant will be informed in writing (stage one outcome letter) of his/her right to pursue the matter further through this policy.

A written outcome will typically be provided within 20 days of the acknowledgment of the complaint. However, in certain circumstances where additional time is required for a thorough investigation, the timeframe may be extended. In such cases, the complainant will be notified of the updated timeline and the reasons for the extension. The outcome from Stage One may be to proceed to Stage Two or Stage Three of our Complaints process. If this is the case, further timescales will be provided at this stage.

2.3 Stage Two – Independent investigation

Independent Investigation under the Fair Ways procedure - the investigation will be carried out by an independent investigator identified by the relevant director who has had no previous involvement with the matter concerned. This may be a quality assurance manager or an external contracted individual with relevant qualifications and experience. Any such appointment will be made known to and discussed with all parties prior to the commencement of the investigation.

In appropriate circumstances, local authority social workers will be informed of the complaint and of the progress of the investigation and outcome.

No one who is the subject of, or who has been involved in seeking to resolve, the complaint informally (Stage One) will be responsible for any investigation conducted under Stage Two, however they may be consulted with to clarify information where necessary. In some circumstances the task of an independent investigator may be one of ensuring that the complainant is aware of his/her right to complain under other non-Fair Ways procedures. Where appropriate this could include making the complainant aware of his/her right to seek advice from his/her solicitor, member of parliament, local councilor, local government ombudsman and various voluntary organisations which seek to represent the interests of children and young people in public care and their parents.

A written outcome will typically be provided within 20 days of the acknowledgment of the complaint. However, in certain circumstances where additional time is required for a thorough investigation, the timeframe may be extended. In such cases, the complainant will be notified of the updated timeline and the reasons for the extension. The outcome from Stage Two may be to proceed to Stage Three of our Complaints process. If this is the case, further timescales will be provided at this stage.

2.4 Stage Three – Complaints Review Panel

Where a complainant remains dissatisfied with the response at Stage Two, they may request that complaints review panel be set up to consider the complaint investigation and its findings.

The request must be received within 28 days of receiving the outcome in writing of the Stage Two independent investigation. The panel will consist of a director from Fair Ways Operational Board of Directors, another senior Fair Ways manager who has no connection with the complaint.

A full written response will usually be provided within 10 working days. However, if there are exceptional circumstances that warrant an extension of the timeframe, we will ensure to communicate this to the complainant, along with the reasons for the delay and an updated expected completion date.

2.5 If you are not satisfied with the response after Stage One

If you have sought to have your complaint addressed by Fair Ways however are dissatisfied with the response you are within your rights to forward any complaint to the Local Government and Social Care Ombudsman. This can be accessed at <https://www.lgo.org.uk/how-to-complain>

3 Outcomes of Complaints

3.1 All complaints of any nature will result in one of the following outcomes:

- **Upheld** – The complaint has been agreed in full.
- **Not upheld** – No part of the complaint has been agreed.
- **Upheld in part** – Some part of the complaint has been agreed, but not others. The conclusion will be very clear in which parts are upheld and which are not.
- **No finding** – Insufficient information to make a judgment. An example of this may be an incident with only two parties with no witnesses or other evidence.

Any upheld complaints about individual Fair Ways employees may also include disciplinary action.

4 Vexatious complaints

4.1 Where all steps have been exhausted in the complaints policy and the complainant is dissatisfied and continues to raise the same complaint persistently, Fair Ways reserves the right to regard the complaint as vexatious and can refuse to further investigate and declare the matter closed. The following criteria will be applied in deciding whether a complaint is vexatious:

- All reasonable steps have been taken to address the issues raised;
- A clear statement has been provided on Fair Ways' position on the matter;
- Fair Ways is being repeatedly contacted with the same points being raised;
- Fair Ways has reasonable grounds for believing that the intention is to cause inconvenience;
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made;

5 Data Protection Complaints

Fair Ways abides by the 7 principles set out by the GDPR Regulations (2018) and Data Protection Act 2018. If you have a complaint related to these principles please contact GDPR@fairways.co and if you are not satisfied with the response please contact the Information Commissioners Office (ICO) helpline 0303 1231113

The UK GDPR sets out seven key principles:

1. Processed lawfully, fairly and in a transparent manner;

2. Collected for specified, explicit and legitimate purposes;
3. Relevant and limited to what is necessary for a purpose;
4. Accurate and kept up to date;
5. Not kept for longer than necessary for the purpose it was collected;
6. Protected against accidental loss, destruction or damage, using appropriate IT and procedure;
7. Accountability;

6 Associated Documentation & legislation

- GDPR (2018)
- Data Protection Act (2018)