

Fair Ways Education

Complaints Policy

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

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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
OR86	5	Amend to include complaints re Charity fundraising complaints	Paul Moran	June 2023	PSC	N/A
OR86	6	Added Point 2 re caveat on timeframes. Clarified days (working /calendar) Added reference to RiiSE Complaints policy [DOCREF OR102]	Matt Collins	June 2023	QSGC	N/A
OR86	7	Scope of the policy section added to provide clarity ref. Who should use this policy (e.g. external complainants) Stage 2 timeframe clarified to commence at the end of stage 1. Escalation beyond stage 3 section updated to include accreditation/ regulatory bodies.	Matt Collins	April 2024	QSGC	N/A

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Fair Ways Vision, Mission and Values (2024)

Our vision

To build a community that changes lives, makes a difference to society and leaves a legacy greater than ourselves and our contributions.

Our mission

To grow a compassionate, resilient, and trauma-informed community, that embraces learning, so that we improve the lives and outcomes of individuals.

Our values

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 RANSPARENT
<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 At Fair Ways, we value feedback and see it as an opportunity for growth. We encourage our staff and foster carers to always be open and empathetic towards any concerns or complaints regarding our services. Recognising that no individual or organisation is infallible, we embrace constructive criticism as a chance to enhance our practices.
- 1.2 Addressing complaints swiftly and with empathy in their initial stages is crucial. Neglecting early grievances can escalate into more significant issues over time.
- 1.3 Our complaints policy is designed to meet regulatory standards and is a fundamental aspect of Fair Ways' operations. We view this policy positively, as a vital tool for monitoring and improving the quality of service provided to children and young people, their families, foster carers, and local authorities.
- 1.4 It is important to acknowledge that children and young people under Fair Ways' care often come with existing local authority oversight, which includes established complaints procedures. This policy is not intended to supersede those procedures but to complement them, ensuring a comprehensive support system.
- 1.5 This policy is designed to work in harmony with, and not replace, local authorities' complaints policies. In instances where multiple policies could apply, we will consult with the complainant (if not a local authority) to decide the most appropriate course of action. This policy also does not replace child protection/safeguarding, grievance, or disciplinary procedures, which may proceed concurrently.
- 1.6 Definition: A complaint is any expression of dissatisfaction, whether verbal or written, concerning the quality, delay, delivery, or decision-making process related to our services.
- 1.7 Principles Guiding Our Procedure:
 - We ensure that complaints are dealt with promptly and fairly.
 - We aim to resolve complaints as close to their point of origin as possible.
 - All complaint responses will be communicated in writing, underscoring our commitment to addressing concerns seriously.

- 1.8 **Accessibility:** Our policy and related information are readily available to children, young people, their families, foster carers, professionals, and the public. Informational leaflets are also distributed across all Fair Ways offices.
- 1.9 **Child-Focused Approach:** When a child lodges a complaint, we ensure it is discussed in a manner suitable to their understanding, and a social worker is notified when necessary.
- 1.10 **Support and Advocacy:** We provide assistance to children and young people filing complaints to access independent advocacy, recognising the importance of neutrality in resolving disputes effectively at the local level. All complaints are documented thoroughly and shared with relevant local authority personnel as needed.
- 1.11 **RiiSE-Related Complaints:** Complaints specific to the RiiSE curriculum, including its delivery or content, are addressed according to the RiiSE Complaints Policy [DOC REF OR 102].

2 Scope of the Policy

- 2.1 This Complaints Policy is designed to outline the procedure for handling complaints made by individuals or entities external to Fair Ways, including but not limited to children and young people under our care, their families, and partner organisations such as local authorities. Our commitment to addressing concerns extends beyond the internal operations, ensuring that all stakeholders receive the support and consideration they need to voice their dissatisfaction with any aspect of our services.
- 2.2 **External Complaints:** For those not employed by Fair Ways, this policy serves as a guide to raising and resolving complaints about any service, decision, or lack thereof, that they believe negatively impacts the care and support provided. We understand the importance of listening to and acting upon feedback from our community, recognising it as a pivotal opportunity for improvement and development.
- 2.3 **RiiSE-Related Complaints:** Complaints related to the RiiSE curriculum, including its delivery or content, should be addressed according to the RiiSE Complaints Policy [DOC REF OR 102].
- 2.4 **Internal Complaints:** Employees of Fair Ways who wish to make a complaint, are advised to refer to our internal Grievance Procedure available on Access. The Grievance Procedure is tailored to address the specific concerns and conditions of our workforce, offering a separate but equally robust framework for resolving issues internally.

- 2.5 Collaboration with Local Authorities: Fair Ways operates in conjunction with local authorities, many of whom have established complaints procedures for children and young people under their oversight. This policy is designed not to replace but to complement those procedures. In situations where a complaint may fall under multiple jurisdictions, Fair Ways will collaborate with all involved parties, including the complainant, to determine the most appropriate course of action.
- 2.6 Exclusions: It is crucial to note that this Complaints Policy does not cover issues related to child protection/safeguarding, whistleblowing, employee grievances, or disciplinary actions, each of which is addressed through specific procedures. Complaints that fall under these categories will be redirected to the appropriate channels to ensure they are handled according to the relevant policies and regulations.

3 Complaint Timeframes

3.1 Complaint Resolution Stages

Complaints are addressed in a structured manner to ensure efficiency and clarity throughout the process:

- **Stage 1:** A response or resolution will be provided within 20 working days of receiving the initial complaint.
- **Stage 2:** The process extends 20 working days from the date stage 1 is concluded.
- **Stage 3:** The complainant will receive updates on the progress at the two-week mark and again at the end of the third week. Additionally, they will be informed about the scheduling of the Panel hearing, which is convened to deliberate on the appeal. For complaints related to schools, parents or guardians will be invited to the hearing. The outcome of the Panel's deliberation will be communicated to the complainant within 7 working days following the hearing.

3.2 Commitment to Timeliness

Fair Ways prioritises the resolution of complaints within the specified timeframes, recognising the importance of prompt and effective communication. However, we acknowledge that unforeseen or exceptional circumstances may occasionally necessitate deviations from these timelines. Should such situations arise, Fair Ways commits to:

- Promptly notifying the complainant about any delays.
- Clearly explaining the reasons for the delay and providing an updated timeline for resolution.



- Ensuring transparency and maintaining open lines of communication throughout the resolution process.

3.3 Flexibility and Fairness

At Fair Ways, we are committed to addressing each complaint with the highest level of attention and care, even when faced with challenges. We pledge to:

- Employ a flexible and fair approach in all situations, adapting as necessary to meet the needs of those involved.
- Strive for the quickest possible resolution without compromising the thoroughness or fairness of our complaint resolution process.

4 Vexatious Complaints

4.1 Handling Persistent Complaints

Fair Ways is committed to resolving all complaints through our comprehensive policy steps. However, in instances where the complainant remains dissatisfied after all avenues have been explored and continues to persistently reiterate the same issues, we may classify the complaint as vexatious. In such cases, Fair Ways reserves the right to cease further investigation and consider the matter concluded. A complaint may be deemed vexatious based on the following criteria:

- Exhaustive measures have been undertaken to resolve the complaint.
- Fair Ways has clearly communicated its final stance on the issue.
- There is repetitive communication from the complainant on the same points.
- There is a discernible intent to cause undue inconvenience.
- The nature of communication is aggressive, or includes abusive, derogatory, or threatening remarks.

5 Data Protection Complaints

5.1 Commitment to Data Protection

Fair Ways rigorously adheres to the principles outlined in the UK General Data Protection Regulation (UKGDPR) 2018 and the Data Protection Act 2018, ensuring the highest standards of data protection and privacy. Should you have any complaints concerning data protection, please reach out to us via GDPR@fairways.co. If the

response does not meet your expectations, you have the right to contact the Information Commissioner's Office (ICO) at the helpline: 0303 123 1113.

The Seven Key Principles of UK GDPR:

1. Data is processed lawfully, fairly, and transparently.
2. Collection of data is for specified, explicit, and legitimate purposes.
3. Data gathered is relevant, limited to necessities, and not excessive.
4. Data is accurate, current, and kept up-to-date.
5. Data is not retained longer than necessary.
6. Measures are in place to safeguard against accidental loss, destruction, or damage.
7. Accountability is upheld throughout the data processing cycle.

6 Charity Fundraising Complaints

Fair Ways is actively involved in fundraising to support our mission. As a charity registered with The Fundraising Regulator, we adhere to the Code of Fundraising Practice and commit to the Fundraising Promise. Should any issues arise regarding our fundraising activities, we encourage initial contact through Fair Ways at complaints@fairways.co for resolution. If the resolution provided does not meet your satisfaction, the complaint can be escalated to the Fundraising Regulator using the following contact details:

- **Email:** admin@fundraisingregulator.org.uk
- **Phone:** 0300 999 3407 (Available Monday to Friday, 9:30 AM – 4:30 PM)
- **Address:** Fundraising Regulator, Eagle House, 167 City Road, London, EC1V 1AW
- **Website:** [Fundraising Regulator Contact Us](https://www.fundraisingregulator.org.uk/more-from-us/contact-us)
<https://www.fundraisingregulator.org.uk/more-from-us/contact-us>

7 Complaint Stages

7.1 Complaint Resolution Process

Fair Ways follows a structured three-stage process to address complaints effectively:

- **Stage One:** Informal Problem Solving - An initial attempt to resolve the issue informally.
- **Stage Two:** Independent Investigation - A comprehensive investigation conducted by an independent party.



- **Stage Three:** Complaints Review Panel - A panel review of the complaint for a final decision.

7.2 Making a Complaint

To file a complaint with Fair Ways, please reach out in the following ways:

- **Email:** Direct your complaint to the service manager or to complaints@fairways.co
- **Postal Mail:** If email is not an option, written complaints can be sent to:

Fair Ways, Ground Floor, Building 1000, Western Road, Portsmouth,
Hampshire, PO6 3EN

If you require assistance in drafting your complaint, you may authorise a representative to write and submit the complaint on your behalf, with your consent.

All complaints are acknowledged in writing within 24 hours of receipt.

7.3 Stage One: Informal Problem Solving

At Fair Ways, we prioritise resolving issues swiftly and informally as part of our day-to-day operations. When a matter cannot be resolved immediately, staff will inform the complainant about this policy and direct them to the appropriate contact, typically the service manager or a designated local manager. The manager aims to address the concerns raised and will communicate the outcome in writing within 20 working days.

If the issue cannot be resolved informally at the local level, the complainant will receive a stage one outcome letter, informing them of their right to escalate the complaint to Stage Two for further investigation. Should an extended period be required for a comprehensive review, the complainant will be notified accordingly.

7.4 Stage Two: Independent Investigation

Should the complainant be dissatisfied with the Stage One resolution, they may request an escalation to Stage Two, which involves an independent investigation by an individual not previously involved with the complaint.

A written response is typically provided within one calendar month after the conclusion of Stage One. If additional time is needed for a detailed investigation, the complainant will be updated on the extended timeline and the reasons for the delay.

7.5 **Stage Three: Complaints Review Panel**

If unresolved issues persist after Stage Two, the complainant can request a review by the Complaints Review Panel within one calendar month of the Stage Two outcome. This panel comprises two directors from Fair Ways Operational Board and a senior manager unconnected to the complaint.

The complainant will receive regular updates on the panel's progress and will be informed of the panel meeting date. If the complaint involves an educational establishment, the complainant will be invited to attend. A comprehensive written response will be issued within 7 working days following the panel meeting.

7.6 **Escalating Beyond Stage Three**

In the event that concerns or complaints regarding the services provided by Fair Ways remain unresolved after exhausting the internal complaints resolution process, stakeholders are entitled to seek further review from external bodies. This section outlines the procedures and contacts for escalating complaints beyond our internal processes.

Escalation to the Local Government and Social Care Ombudsman

Complaints not satisfactorily resolved by Fair Ways may be escalated to the Local Government and Social Care Ombudsman. Stakeholders wishing to escalate their complaint should visit the website at www.lgo.org.uk/how-to-complain for guidance on submission requirements and the complaint process.

Engagement with Regulatory or Accrediting Bodies

For complaints that concern regulatory compliance or standards of care, stakeholders may contact the relevant regulatory authority:

- **Ofsted:** For complaints related to the quality of education and children's services, stakeholders can reach out to Ofsted via email at enquiries@ofsted.gov.uk or by phone at 0300 123 4666.
- **Care Quality Commission (CQC):** Concerns regarding health and adult social care services can be directed to the CQC. Guidance on how to file a complaint with

the CQC is available on their website at www.cqc.org.uk/contact-us/how-complain/complain-about-service-or-provider.

- **Care Inspectorate Wales (CIW):** For services based in Wales, stakeholders can raise concerns with the CIW. The CIW oversees the quality and safety of social care and childcare services in Wales. Detailed information on how to raise a concern with the CIW is provided on their website at <https://www.careinspectorate.wales/contact-us/raise-concern>.
- **National Association of Child Contact Centres (NACCC):** In relation to our contact services, stakeholders may also consider contacting the NACCC if they have concerns about child contact centres. The NACCC offers guidance on making a complaint, which can be accessed at <https://naccc.org.uk/for-parents/making-a-complaint/>.

It's important to recognise that while entities like Ofsted, the CQC, the CIW, and the NACCC ensure compliance and uphold standards within their respective domains, direct intervention in disputes between service providers and individuals is not within their usual remit. Nonetheless, they play a crucial role in enforcing accountability and can initiate action if a service provider is found to be in breach of required standards.

8 Outcomes of Complaints

8.1 For every complaint received, Fair Ways ensures a thorough investigation and resolution process. Following this process, complaints will culminate in one of four possible outcomes:

- **Upheld:** The investigation finds the complaint to be fully justified, and the concerns raised are validated in their entirety.
- **Not Upheld:** The investigation concludes that there is no merit to the complaint, and none of the concerns raised are validated.
- **Upheld in Part:** The investigation determines that certain aspects of the complaint are justified, while others are not. The resolution will clearly specify which parts of the complaint have been upheld and which have not.
- **No Finding:** Occasionally, there may be insufficient evidence to conclusively resolve a complaint. This could occur in situations where the incident involves limited parties with no witnesses or additional evidence to support or refute the claims.



In cases where complaints are upheld, particularly those involving the conduct of Fair Ways employees, the resolution may include appropriate disciplinary actions, depending on the nature and severity of the issue addressed.

9 Associated Documentation & legislation

- UK GDPR (2018)
- Data Protection Act (2018)
- ORG- RiiSE Complaints Policy [DOCREF OR102]
- Whistleblowing Policy [DOCREF OR35]
- HR-Grievance Procedure