

Complaints Policy & Procedures 2023-24

Last reviewed by the Trustees: September 2023

Introduction

It is vital for Level Trust to have the right attitude towards complaints. The manner in which they are handled is an important element in how the charity cares for our staff, volunteers and service users and how it presents itself to the world at large. Well-founded complaints should be seen as an opportunity to put things right and to improve the charity's way of working.

General Principles

All complaints are to be dealt with as quickly and efficiently as possible. The time taken will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. The intention is that all complaints should be settled within a period which is reasonable in all the circumstances. All complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress at each stage. It is expected that complaints should be made in a respectful manner. Any complaints which are abusive or threatening will not be tolerated and so will not be responded to. Level Trust is unable to respond to anonymous complaints.

Expectations

Level Trust expects to treat complainants with courtesy and dignity and expects that staff will be treated in the same way by complainants. Abusive language and threatening behaviour will not be tolerated and any conversation or meeting where unacceptable behaviour is displayed will be terminated.

Definitions & Scope

1. Definitions

Level Trust takes concerns seriously and will make every effort to resolve the matter raised as quickly as possible. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. It is important to recognise that there may be different levels of concern or complaint to bring to the attention of staff at Level Trust so it is helpful to identify the difference between a concern and a complaint.

- a) A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- b) A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Initially, it is likely that concerns (as understood in the definition above) will be raised with the appropriate member of staff at Level Trust. If the member of staff contacted feels unable to deal with a concern, we will refer you 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 and impartially is more important. If after informal contact of this nature, the issue remains unresolved, the next step is to make a formal complaint. We understand, however, that there are occasions when people would like to raise their concerns formally. This may be because the concern has not been resolved at the informal stage or where the concern is complex and merits wider investigation. In these cases, the charity will attempt to resolve the issue through the stages outlined in this procedure.

2. Scope

This procedure covers all complaints about any provision of community facilities or services by Level Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who To Contact
Safeguarding and Child Protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). 01582 547653
External providers	Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Charity Commission for England and Wales is the prescribed person for matters relating to charities for whistle-blowers in the charity sector who do not want to raise matters direct with their employer.</p> <p>Volunteer staff who have concerns about our Academy should complain through Level Trust's complaints procedure. You may also be able to complain direct to The Charity Commission depending on the substance of your complaint.</p>
Staff Grievances	Complaints from staff will be dealt with under Level

	Trust's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under Level Trust's internal 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.

How to raise a concern or make a complaint

A concern or complaint can be made in person, by email, in writing or by telephone. It may also be made by a third party acting on behalf of a complainant, if they have appropriate consent to do so. For ease, a template complaint form is included at the end of this procedure. This form should be used if you have been unable to resolve your complaint at Stage 1 of the Complaints Procedure or if the nature of your complaint is complex and wide ranging, meriting an investigation at Stage 2 of the Complaints Procedure. Once completed, it should be returned in person to Level Trust or via email to the CEO (jennie.white@leveltrust.org)

If you require help in completing the form, please contact the Level Trust office. You can also ask third party organisations such as Citizens Advice to help you. If you prefer not to use the form, please ensure that the relevant details are provided to help us investigate your complaint effectively. 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, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Complaints about Level Trust staff

- a) Complaints about Level Trust staff should be made to the CEO
- b) Complaints that involve or are about the CEO should be addressed to the Chair of Trustees (Altaf Hussain) via the Clerk to Trustees (Donna Davie dee@horigandavie.com)
- c) Complaints about the Chair of Trustees, any individual trustee or the whole Trustee Board should be addressed to the Clerk to Trustees via the Level Trust office. Please mark these communications as Private and Confidential.

3. Anonymous complaints

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

4. Time scales for making a complaint

Complaints must be raised 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. 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 Level Trust 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.

5. Complaints received outside of the working week/Level Trust office closure

We will consider complaints made outside of the working week or during our office closure over the Christmas period, to have been received on the first day after the holiday period. We will consider complaints made on a weekend or bank Holiday on the first working day following that date.

6. Withdrawal of a Complaint

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

7. Resolving complaints

At each stage in the procedure, Level Trust aims to resolve the complaint. 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 Level Trust policies considering the complaint
- an apology.

In addition, at the formal stages of the procedure, we will acknowledge the outcome of the investigation into your complaint and whether it has been upheld in full or in part.

Section C: Stages of Complaint

1. Stage 1: Informal Complaint or Concern

Stakeholders may wish to ask questions or express an opinion and the charity aims to create an environment that supports, welcomes and respects the involvement of others. The charity will take informal concerns seriously and make every effort to resolve the matter quickly. It may be that the provision or clarification of information will resolve the issue. It is hoped that most concerns can be expressed and resolved on an informal basis, without the need for further procedures. Concerns can be raised in person, in writing (letter or email) or by telephone.

This stage of the procedure will involve a meeting or conversation between the complainant and the relevant member of staff, followed by an investigation into the matters raised. At the conclusion of their investigation, the member of staff investigating the complaint will provide an informal written response via email or letter of the outcome and relevant actions. The response will be provided within 5 working days. If the complaint is not resolved informally following the steps outlined above, the next step is a

formal complaint. The procedure for this is outlined below at Stage 2 and this should be followed if the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take the matter further. If the complainant is unsure about how to direct a concern or query, or if it is about a general organisation issue, they should feel free to raise the issue with the CEO, the Deputy CEO or another member of the charity's Leadership Team without this being categorised as a formal complaint. At this point, the concern may be passed to the most appropriate member of staff for a response.

2. Stage 2: Formal Complaint

Formal complaints should be raised with the CEO in writing (preferably on the Complaint Form) via the Level Trust office or, if the complaint is about the CEO, with the Chair of Trustees. The CEO will record the date the complaint is received and will acknowledge receipt of the complaint and notify the complainant of the name of the allocated Investigating Officer in writing (either by letter or email) within 2 working days. The Investigating Officer is likely to be a member of the charity's Leadership Team who will contact the complainant to clarify details about the complaint or to seek further information about what remains unresolved and what outcome the complainant would like to see. The Investigating Officer will conduct a thorough investigation into the complaint. This may include interviewing those involved in the matter and/or those complained of. Any parties interviewed may be accompanied. A written record of any meetings or interviews will be kept as part of the investigation process.

At the end of the investigation, the Investigating Officer will present their findings to the CEO who will decide the outcome of the complaint and the actions to be taken. The CEO will provide a formal written response within 15 working days from the date of receipt of the complaint.

If the CEO is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that the Academy will take to resolve the complaint and any wider lessons learned as a result of hearing the complaint.

In addition, the CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. If the complaint is about the CEO, or an individual member of the Trustee Board, a suitably skilled HR professional will be appointed to complete all the actions at Stage 2. If the complaint is about more than one individual member of the Trustee Board, an independent investigator appointed by the Trustees will be appointed to complete all of the actions at Stage 2.

3. Stage 3: Referred to Chair of Trustees

If the complaint is still not resolved to the complainant's satisfaction, the complainant can request that it is referred to the Chair of Trustees. (If the subject of the complaint in stage 2 was the Chair of Trustees, the complaint will be referred to stage 4.)

Complainants should write within 10 working days to the Chair of Trustees at the charity's address (Unit 2G The Mall, Luton. LU1 2TW), clearly marked "Confidential for the Personal

Attention of the Chair of Trustees" or via email to the Clerk to Trustees (dee@horigandavie.com).

The Chair of Trustees will investigate the complaint or concern and respond in writing within 15 working days. It is within the remit of the Chair of the Trustees to refer the matter to a Complaints Panel if considered appropriate. If this timescale cannot be met, the Chair of Trustees should inform the complainant that the matter will take longer, explain the reasons for this and give a realistic timescale for when the investigation will be completed.

4. Stage 4: Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 which is the final stage of the complaints procedure. This stage involves a panel hearing comprising 2 members of the Trustee Board who have not been directly involved and an independent panel member who is not involved in the management and running of the charity. A request to escalate to Stage 4 must be made to the Clerk to Trustees, via the Level Trust office, within 10 days of receipt of the Stage 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk to Trustees will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 working days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Stage 4 hearing will be heard by a completely independent committee panel if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trustee body or
- the majority of the trustee body

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a charity employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend. At least 5 working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting,

ensuring that, if the complainant is attending, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 5 working days before the meeting.

Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure. The meeting will be held in private.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, within 15 working days. The letter to the complainant will include details of how to contact the Charity Commission if they are dissatisfied with the way their complaint has been handled by Level Trust. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Level Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

5. What if complainants remain unsatisfied?

If the complainant is not satisfied that their complaint has been handled properly, in accordance with this published procedure, or the complainant believes Level Trust acted unlawfully or unreasonably in the exercise of their duties under law, they can contact the Charity Commission.

Contact details for complaints

In writing or in person:

Level Trust, Unit 2G The Mall, Luton LU12TW

E-mail: admin@leveltrust.org.

Clerk To Trustees: dee@horigandavie.com
Chair of Trustees: AXH@lutonsfc.ac.uk
CEO: jennie.white@leveltrust.org

Telephone: 01582 797347



Level Trust Formal Complaint Form

Your name

Your address

Your email address

Your daytime telephone
number

Your evening telephone
number

Previous contact with staff at Level Trust about this complaint

Details of complaint

What outcomes are you hoping for as a resolution to this complaint?

Are you attaching any paperwork? If yes, please give details below

Signature:

Date:

OFFICIAL USE ONLY			
Date received		By whom?	
Confirm Stage 2		By whom?	
Date acknowledged		By whom?	
Date of expected outcome			
Investigating Officer			
Date of contact by I.O.			
Additional information gathered by Investigating Officer			
Date investigation completed			
Date of written response		By whom?	