

# **TOWER HAMLETS YOUTH SPORT FOUNDATION**

## **COMPLAINTS PROCEDURE**

**2024**

## INTRODUCTION

We strive to provide an outstanding service for all children and schools within our programme. The CEO and staff work hard to build positive relationships with all parents and carers and to support this we have put in place this Complaints Policy and Procedure.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can inform and improve future planning and processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The charity will aim to give the complainant the opportunity to complete the complaints procedure in full.

## POLICY STATEMENT

THYSF is committed to being fair, open and honest when dealing with any complaint.

We give careful consideration to all concerns and complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding.

In all cases, we put the interests of the child above all else.

We welcome feedback on what parents and carers feel we do well or not so well. We carefully consider all feedback, whether positive or otherwise, and will review our policies and practices accordingly.

We treat all concerns and complaints seriously and courteously and will advise parents and others of the charity's procedures for dealing with their concerns. A person does not have to be a parent or carer to make a complaint.

In return, we expect parents and other complainants to behave respectfully towards all staff and other service users. In particular, any disagreement with the charity will not be expressed inappropriately or in front of pupils, parents etc.

The charity's procedures will be reviewed regularly and updated as necessary.

The charity will learn from complaints raised and will provide information to the charity's management and trustees so that services can be improved.

Arrangements for handling complaints from parents of children with SEN about the charity's support are within the scope of this policy. Our Diversity & inclusion Policy includes information about the rights of parents of pupils with disabilities who believe that our charity has discriminated against their child.

## **WHO CAN MAKE A COMPLAINT?**

This complaints procedure is not limited to parents or carers of children who have been involved in our programmes. Any person, including members of the public, may make a complaint to THYSF about any provision or services that we provide.

Unless complaints are better dealt with under any other policy or procedure, we will use this complaints procedure.

## **THE DIFFERENCE BETWEEN A COMPLAINT AND A CONCERN**

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. THYSF takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

## **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 of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either a lead coach or a senior member of staff, including the CEO. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against THYSF staff (except the CEO) should be made in the first instance, to the CEO. If writing, please mark correspondence as Private and Confidential.

Complaints that involve or are about the CEO should be addressed to the Chair of Trustees. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual trustee or the whole governing body should be addressed to the Clerk to the Governing Body. Please mark them as Private and Confidential.

If you need support in compiling and setting out your complaint, you can ask third party organisations such as the Citizens Advice Bureau to help you.

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.

## SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision or services by THYSF, other than complaints that are appropriately dealt with under other statutory procedures or other charity policies.

If other bodies are investigating aspects of the complaint, for example the police, local authority 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 THYSF 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, THYSF 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 charity 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.

Formal complaints must be made to the CEO (unless they are about the CEO). This may be done in person, in writing, or by telephone.

The CEO will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CEO can consider whether a face to face meeting is the most appropriate way of doing this. This should take place within 10 days of receipt of the complaint where possible.

Note: The CEO may delegate the investigation to another member of the charity's management team but not the decision to be taken.

During the investigation, the CEO (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- if necessary, interview witnesses to an alleged incident
- keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of their investigation, the CEO will provide a formal written response. The investigation should be concluded within 20 days of beginning.

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 THYSF will take to resolve the complaint.

The CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the CEO, or a member of the governing body (including the Chair of Trustees), an external investigator may be engaged or a trustee with suitable investigations training and experience.

If the complaint is:

- the entire governing body or
- the majority of the governing body

Then Stage 1 will be considered by an independent investigator appointed by the governing body). At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk of the trustees, within 5 working days of receipt of the Stage 1 response.

Any review of the process followed by the charity will be conducted by a panel of three members of the governing body. This will usually take place within 10 working days of receipt of a request.

The review will normally be conducted through consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The committee will consider the complaint and all the evidence presented. The committee 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 committee will:

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

The Chair of the Committee will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 5 working days.

The letter to the complainant will include details of how to contact the Charity Commission if they are dissatisfied with the handling of their complaint.

If the complaint is:

- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent, co-opted trustees.

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 THYSF will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## NEXT STEPS

If the complainant believes THYSF did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties, they can escalate a complaint to the Charity Commission.

## ANONYMOUS COMPLAINTS

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

## TIMESCALES

A complaint 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.

## COMPLAINTS MADE DIRECTLY TO THE GOVERNING BODY

In the event of a complaint being received directly by the Governing Body, trustees will have regard to the following:

- Any complaint to the Governing Board or one of its members must be passed immediately to the CEO for investigation; If the complaint is about the CEO, then the Chair of Trustees must be informed immediately.

## COMPLAINTS RECEIVED BY PETITION

Complaints received by petition will be dealt with informally in the same way as other complaints. If it is not clear who the response should be directed to, the complaint will be treated as an anonymous complaint.

## COMPLAINT CAMPAIGNS

If the charity becomes the focus of a campaign and receive large volumes of complaints, all based on the same subject, the CEO shall investigate the complaint according to the Complaints Procedure outlined in this document. A response to the complaint will be sent to complainants where contact details are given using a template response. The response will also be published on the charity's website if appropriate.

## CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated with discretion.

Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

## EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Should any meeting need to be held where any parties would have difficulties in terms of access, the charity will assist with providing an appropriate venue.

## 'SERIAL' AND 'PERSISTENT' CORRESPONDENTS

The charity will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the charity is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the charity will act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the charity to recognise when they really have done everything they can in response to a complaint. It is a poor use of the charity's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Trustees can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the charity again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the charity may choose not to respond. The charity will only mark a complainant as 'serial' once the complainant has completed the procedure.

## RECORDING, MONITORING AND REVIEW

THYSF will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome.

The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.



Records of complaints will be kept securely, only for as long as necessary and in line with data protection laws and our privacy notices.

The process of listening to and resolving complaints can contribute to improvement and can be a useful tool in evaluating the charity's performance. When individual complaints are heard, the charity may also identify underlying issues that need to be addressed.

The trustees monitor the complaints procedure at regular intervals. This ensures that all complaints are handled properly and informs improvements and the effectiveness of the Complaints Procedure itself. The CEO logs all complaints received by the charity and records how they were resolved. Trustees examine this log periodically.

Trustees take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy.

This policy will be reviewed every two years, or before if necessary.