



# The Smith Foundation

## Complaints Policy

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### Foundation details

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<b>Status:</b>	<b>In-house</b>
<b>Approval by:</b>	<b>Sue Ackroyd</b>
<b>Frequency of review:</b>	<b>2 years</b>
<b>Lead member of staff:</b>	<b>Damien Talbot</b>
<b>Last reviewed:</b>	<b>Spring 2023</b>
<b>Next Review Date:</b>	<b>Spring 2025</b>
<b>Policy Number:</b>	<b>WS47</b>

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### 1.0 Introduction

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The Smith Foundation is clear about the difference between a concern (grumble) and a complaint. The foundation takes informal concerns seriously at the earliest stage with the aim of reducing the numbers that develop into formal complaints. These key messages deal with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure

need not in any way undermine efforts to resolve the concern informally. It is not intended to replace the Foundation's normal daily mechanism for dealing with minor problems and, whilst it is the Foundation's aim to identify and resolve issues before formal action becomes necessary, they nonetheless recognise that from time to time children/young peoples or parents/carers will raise concerns which cannot be dealt with informally.

The Foundation's procedures will comprise of fair means for a children/young people or parents/carers/others to complain. All complaints, irrespective of level, will be dealt with quickly and confidentially and recorded. This guidance meets the requirements under the National Minimum Standards for Residential Special Foundations (2022) and reflects guidance provided by the DfE (Best Practice Advice for Foundation Complaints Procedures, 2019), KCSIE (2023) and working together to safeguard children 2018.

An effective complaints procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**;
- Be **simple** to understand and use;
- Be **impartial**;
- Be **non-adversarial**;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- Ensure a full and **fair** investigation by an independent people where necessary;
- Respect people's desire for **confidentiality**;
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Provide **information** to the Foundation's leadership team so that practice can be improved.

### Stages of Complaints Process

- **Stage 1 – Informal complaint**  
The complainant raises their concerns with a member of staff, this can be verbally or written. The member of staff informs their line manager of the concern, hopefully a discussion or written response resolves the concern, and the complainant is happy with the outcome.
- **Stage 2 – Formal Complaint**  
If the complainant is unhappy with the outcome of stage 1, the complainant would complete the complaints form, and provide any further documentation. The complaint is passed to a member of SLT to review and process the complaint. The member of SLT would acknowledge the complaint, carry out any investigation needed, draw a conclusion, and provide the complainant with timescales for actions agreed. Where appropriate, details of the complaint would be communicated to parents/carers, children/young peoples Local Authority and social worker. The member of SLT will determine how the complaint will be handled to the satisfaction of the complainant. If the complaint was regarding our CEO, the complaint form would be directed to our chair of governors for actioning.
- **Stage 3 – Appeal**  
If the complainant is still unhappy with the outcome after stage 2, they can request an appeal from the Governors. The governing body of the Foundation would agree a complaints appeal panel which should consist of 2-3 governors. The governing panel should be sent all previous correspondence in connection with the complaint and will consider the complaint afresh, as opposed to merely considering the handling of the complaint at earlier stages, to ensure this is in accordance with DfE expectations, that there is always a mechanism in place whereby decisions are considered independently.

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## 2.0 Internal complaints

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Children/young peoples can make complaints to their Key Workers, Learning Group Teacher, DSL, Children/young people Voice or other chosen people. A parent/carer may also do this on behalf of a children/young people. In addition, there are two additional routes that a children/young people may take; our Standard 30 Inspector David Braybrook is always available to listen to complaints and a voluntary visitor acts as a listening people, Garry Charlesworth for young people. Children/young peoples are also provided with email accounts direct to individual staff accounts; this serves to provide another means of communication, whether this is to celebrate some news or share a concern. The Foundation has a visual and for children that gives them a number of options of people to speak to (Snakes and Ladders), these are on display around Foundation.

Attempts at resolution can be considered through mediation, which could include advice, information, discussion and explanation. The Foundation adopts some restorative practices.

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## 3.0 Investigating complaints

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It is suggested that at each stage, the people investigating makes sure that they:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview or arrange for an independent note taker to record minutes of the meeting (if necessary).

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## 4 Resolving complaints

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At each stage in the procedure the Foundation will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review Foundation policies in light of the complaint.

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## 5.0 Time Limits

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Complaints need to be considered and resolved, as quickly, and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are

necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay.

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## 6.0 Child Protection Referral

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If the complaint is of alleged abuse, then a referral will be made to the DO (LA) as set out in the Child Protection and Safeguarding Policy and Allegations of Abuse Policy.

In order that children/young peoples can, if they wish, register complaints in total confidence, the Foundation's 'Children/young people Guidance on how to deal with a Problem or Complaint' contains the telephone numbers for Ofsted (Care), Children and Young People's Care Services, Childline and the Children's Commissioner (Rachel do Souza). They can also have access to their LA, parents/carers and Social Workers (where appropriate).

# Complaints

All complaints must come to a member of SLT. Please complete and return this form to a member of SLT who may allocate a case worker and who will acknowledge receipt and explain what action will be taken.

General grumbles are not formal complaints, these should be dealt with at the lowest possible level, often through conversations/discussions and feedback.

Formal complaints are concerns where all options/attempts of resolution have been exhausted (see above) and the problem has not been resolved to the satisfaction of the complainant or, that the details suggest escalation requiring further investigation.

## Peoples involved

### Details of people making the complaint

Full name	
DOB	
Post held (if employee)	
Home address	
Contact details	
If writing on behalf of someone else please say who	
Your relationship to anyone involved in the complaint	

### Details of who the complaint is about \*

Full name	
DOB	
Home address	
Name of parents / carer	

### Details of other peoples involved in the complaint \*

Full name	
DOB	
Home address	
Name of parents / carer	

\*Where more than one people is involved please include details on a separate sheet

## Details of Complaint

Date and time of any incident		Location of incident	
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Details of complaint
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What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?):

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details.

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Please sign and date the form below:

Signature:	
Name (in block capitals):	
Date:	

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## For Official Use Only

Record details of the initial discussion between the SLT and / or the Case Manager below. Consider the nature, content and context and agree a course of action.

Date complaint received:	
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Parties to the discussion:	SLT:	Caseworker:
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Time:	
Date:	

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Acknowledgement to complainant:	
Date:	
By who:	

## Informing the people the complaint is about

Date	By whom

## Peoples Informed

People informed	Date / Time	By whom
Parents (unless a strategy discussion is required) * <i>Must maintain confidentiality</i>		
Social Worker		
LADO		
Other services		

## Risk Assessment

Describe the risk assessment undertaken:-

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Is there a need to put alternative arrangements in place?
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Describe what actions have been taken:-

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**Describe what the plan is for the people making the complaint:-**

**Describe what the plan is for the people or situation:-**

## Evaluation



The evaluation has led to a decision that no further action is to be taken.

Justification:

Signature of DSL:

Signature of case manager:



The evaluation has led to a decision that further action is required.

Justification:

Signature of DSL:

Signature of case manager:

## Further action/work to be undertaken

De-brief \*

Restorative work\*

Mediation \*

Other (Please state.....)\*

\*Notes to be attached.

## Sign off

Who has been informed?

Agency Name	Date	By whom
People complaint is about		
People making the complaint		
Parents /Carers		
Social Worker		
LADO		
Other (provide details)		

## Log of conversations and interviews

Conversation or interview	Date / Time	Details	Who with	Who by