

St Albans Mencap

Charity number: 210073

stalbansemencap.org.uk

Complaints Policy and Procedure

This document outlines the complaints procedure for St Albans Mencap Charity. It is designed to guide individuals on how to raise concerns or complaints related to the charity’s provision of facilities or services, ensuring a fair, transparent, and structured process compliant with Charity Commissioner guidance and relevant laws.

Document control:

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Summary of changes:

Version:	Changes:
1.0	Drafted June 2025

1. Who can make a complaint?

This complaints process is not limited only to parents or carers of children that are registered on our charity roll. Other people, including members of the public, may make a complaint, provided that the complaint relates to the provision of facilities or services that we provide. Any issues for which a separate statutory process applies (such as appeals regarding exclusions or admissions) do not fall within the scope of this process. The Charity will confirm to you upon receipt whether or not your complaint falls under this policy and procedure and what will happen next if it does. For issues that fall outside of this policy and procedure, the Charity will confirm the correct process that applies instead.

2. The difference between a concern and a complaint

We define a concern as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

We define a complaint as *'an expression of dissatisfaction however made, about actions taken or a lack of action that requires an investigation and formal response in writing'*.

It is in everybody's interest that concerns and complaints are resolved as swiftly as possible. Many issues can be resolved informally, without needing to escalate to the formal stages of the complaints process. St. Albans Mencap Charity takes concerns seriously and we will make every effort to resolve matters as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In such cases, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with your concerns, you will be referred 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 the most important factor.

St. Albans Mencap Charity understands however, that there are some occasions when people only wish to raise their concerns formally. In such instances, the Charity will attempt to resolve the issue(s) internally, through the stages outlined within this complaints policy and procedure.

3. 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 on a complainant, provided that the third party can demonstrate to charity that they have the appropriate consent to do so.

Concerns should be raised first with the Service Manager. They may then "flag" the concern to Chair of Trustees. If the issue remains unresolved, the next step is to make a formal complaint.

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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 formal complaints process. If a Trustee is approached by a complainant, they should signpost the complainant back to the most appropriate person. This should, initially be the Service Manager. They may then “flag” the concern to Chair of Trustees depending on which stage the complaint has reached.

Complaints against Charity staff (except the Service Manager) should be made in the first instance, to the Service Manager via email or in person during service hours. They should be marked Private and Confidential.

Complaints regarding the Service Manager should be addressed to the Chair of Trustees and submitted via email. They should be marked as Private and Confidential. The dedicated complaints@stalbansmencap.org.uk email will ensure that the Chair of Trustees receives this promptly.

Complaints about the Chair of Trustees, any individual Trustee or the whole Board of Trustees should be addressed to the Clerk to the Trustee Board and submitted to complaints@stalbansmencap.org.uk. They should be marked Private and Confidential.

For ease of use, a template complaint form has been included within this complaints policy and procedure (Appendix 2). If you require help to complete the form, you should contact the Chair Trustees. You can also ask third party organisations like the Citizens Advice Bureau or an Independent Advocate to help you. St. Albans Mencap Charity will ensure that all formal complaints are documented in writing to ensure that the issues being complained about, and the complainant's desired outcomes are clear. Complainants will be asked to submit their complaint in writing, either by sending an email or a letter to complaints@stalbansmencap.org.uk, or by completing the Lonsdale formal complaint form.

In accordance with equality law, as outlined above, the Charity will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints process. This includes providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If a complainant is unable to submit their complaint in writing, charity will ensure that the issues being complained about, and the outcomes being requested are documented in writing. The Charity may do this in either of the following ways:

- Invite the complainant to a meeting with the Service Manager or Chair of Trustees (depending on what stage the complaint has reached) and a Notetaker. The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing this information and the Charity will retain the original copy for the purpose of investigating the complaint(s).
- Signpost the complainant to independent support, including Advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and

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advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

4. Anonymous complaints

St. Albans Mencap Charity will not normally investigate anonymous complaints. In such instances, the Service Manager and/or the Chair of Trustees will determine whether the complaint warrants an investigation and will ensure that this is completed, if so, the outcome of the investigation cannot be shared with the complainant, as charity will not know who they are and therefore, cannot ascertain whether or not the person is entitled to have confidential information regarding the complaint investigation shared with them.

5. Timescales

All complaints must be raised within three months of an incident or event. Where a series of associated incidents have occurred, the complaint must be raised within three months of the last of these incidents. St. Albans Mencap Charity will consider exercising the discretion to consider matters raised outside of this timeframe, only if charity deems that exceptional circumstances apply. To enable St. Albans Mencap Charity to make this decision, the complainant will be asked to explain their reasons as to why they have taken longer than three months to raise their complaint. If the complainant does not provide any explanation or charity deems that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, charity will confirm this in writing and take no further action.

6. Scope of this Complaints Policy and Procedure

This policy and procedure only apply to complaints about the provision of facilities or services by St. Albans Mencap Charity.

Some examples of issues that may be complained about are as follows:

- Complaints from individuals, including members of the public, about the provision of facilities or services by the Charity.
- Issues from parents or carers of children who attend charity services and events.

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- Complaints regarding pupil welfare and wellbeing.
- Complaints regarding bullying.
- Complaints regarding staff behaviour.
- A Trustee complaining about a member of Staff.
- A member of Staff complaining about a Trustee.
- A Trustee complaining about another Trustee.
- Complaints about the Charity's handling of a Subject Access Request (SAR) or a Freedom of Information (FOI) Request.

The following matters cannot be dealt with as a formal complaint:

- Complaints about child's behaviour outside of service hours, e.g. weekdays and holiday periods – such issues are not the charity's responsibility.
- Complaints regarding third parties using/sharing hired premises – third party providers should have their own complaints process, and you should contact them directly.
- Complaints about charity carrying out a statutory duty, e.g. making a Child Protection referral – the charity's complaints process cannot be invoked to stop it from doing something it has a duty to do.
- Matters likely to require a Child Protection Investigation – Complaints about Child Protection matters are handled under the charity's safeguarding: Child Protection Policy and in accordance with relevant statutory guidance.
- A member of staff complaining about another member of staff – refer to the charity's Internal Grievance Procedures.
- A member of staff complaining about an action or a decision of the Charity's Board of Trustees - the Board of Trustees will have already given the matter full consideration.
- Whistleblowing – refer to the St. Albans Mencap Charity Whistleblowing Policy for all employees, including temporary staff and contractors.
- Complaints regarding internal management decisions, e.g. Staff Allocations and Charity's Session Time changes.
- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Board of Trustees – the Board of Trustees has already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views.
- Unsuccessful Snap admission applications – may ultimately be appealed to an Independent Appeal Panel.
- Complaints about Fixed-Term or Permanent Exclusions.

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on the Charity's ability to adhere to the timescales set out within this policy and procedure or may result in the process being suspended until the other relevant body has concluded its enquiries.

If a complainant commences legal action against St. Albans Mencap Charity in relation to their complaint, we will consider whether to suspend the complaints process until the legal proceedings have concluded. Charity will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint.

7. Resolving complaints

At each stage of this process, St. Albans Mencap Charity will aim 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 if it is deemed appropriate and necessary:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event(s) 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 relevant charity policies in light of the complaint.
- An apology.

8. Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint, they must inform charity. St. Albans Mencap Charity will ask them to confirm this in writing. If they are unable to do this however, charity will write to them to confirm that their complaint has been withdrawn, in accordance with their wishes.

9. Stage 1

Formal complaints must be made to the Service Manager in the first instance (unless the complaint is about the Service Manager) via complaints@stalbansmencap.org.uk. You are able to submit your complaint in writing by email or letter or by using the formal complaint form.

The Service Manager will record the date the complaint was received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.

Within this response, the Service Manager will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome(s) the complainant would like to see. The Service Manager will consider whether a face-to-face meeting is the most appropriate way of doing this. The Service Manager can delegate the investigation of the complaint to another member of the Charity's Management Team (Assistant Manager), but not the decision(s) to be taken.

During the investigation, the Service Manager (or Investigator) will:

- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The decision in terms of who should be interviewed and how is up to the Service Manager (or Investigator).
- Keep a written record of any meetings or interviews in relation to their investigation.

Once the investigation has been concluded, the Service Manager will provide a formal written response within 10 Charity days from the date of receipt of the complaint.

If the Service Manager is unable to meet this deadline for whatever reason, they will provide the complainant with an update and a revised response date.

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The response will detail the actions taken to investigate the complaint and will provide a full explanation of the decision(s) made and the reasoning behind them.

Where appropriate and possible, the response will include details of actions the Charity will take to, hopefully, resolve the complaint.

The Service Manager will advise the complainant how they may escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Service Manager, or a member of the Board of Trustees (including the Chair or Vice-Chair of the Board), a suitably skilled Trustee will be appointed to complete all of the required actions at Stage 1 as set out above.

Complaints about the Service Manager or a member of the Board of Trustees must be made to the Clerk, via the complaints@stalbansemencap.org.uk addressed to Clerk.

If the complaint is:

- jointly about the Chair and Vice Chair of Board of Trustees,
- the majority of the Board or
- the entire Board of Trustees

Stage 1 will be considered by an Independent Investigator appointed by Charity Commissioner.

At the conclusion of their investigation, the Independent Investigator will provide a formal written response to the complainant.

If the complainant is dissatisfied with the Stage 1 response to their complaint, they have 10 working days in which to request escalation to Stage 2 of the complaints process.

Escalation requests made outside of this timeframe do not have to be accepted.

If the request is late, the complainant will be asked to explain why they have taken longer than 10 working days to request escalation of their complaint to the next stage. If the complainant does not provide any explanation or the charity deems that the explanation given is not compelling or exceptional enough to warrant accepting the escalation request out of timescale, the charity will confirm this in writing and take no further action.

10. Stage 2

Trustees Complaint Panel Hearing

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 – where the complaint is heard by a Panel of

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Trustees. The Panel is comprised of 3 impartial Trustees, usually from the Charity's Board of Trustees. In exceptional circumstances however, a decision may be taken to use Trustees from other Mencap charities to make up the Panel. Stage 2 is the final stage of the charity's complaints process.

A request to escalate to Stage 2 must be made by the complainant to the Chair of the Board of Trustees (or the Clerk to the Board of Trustees if the complaint is about the Chair) via the complaints@stalbanismencap.org.uk email addressed to Clerk, within 10 working days of the Stage 1 response being issued.

The Chair of Trustees (or the Clerk) will record the date the Stage 2 escalation request is received and acknowledge receipt of the request in writing (either by letter or email) within 3 working days.

Requests received outside of this timeframe will only be considered if charity deems that exceptional circumstances apply. Stage 2 will only consider complaints that have already been lodged and investigated at Stage 1. It is not an opportunity to raise new complaints. Any complainant wishing to do so must first complete Stage 1 of the charity's complaints process.

The Chair of Trustees (or the Clerk) will write to the complainant to inform them of the date of the Stage 2 Complaints Panel Hearing. They will aim to convene a Panel within 20 working days of receipt of the Stage 2 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates and without good reason, the Chair of Trustees (or the Clerk) will decide when the Panel Hearing will be. It is permitted to proceed in the complainant's absence on the basis that the Panel will consider all written submissions from both parties.

The Stage 2 Complaints Panel Hearing will consist of at least three Trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will serve as the Chair of the Panel. If there are fewer than three Trustees from the charity available (for example due to sickness or other prior commitments), the Chair of Trustees (or the Clerk) will source any additional, impartial Trustees Royal Mencap Charity to make up the committee. On some occasions, a Panel comprised entirely of external Trustees may be convened to hear the complaint at Stage 2. This will depend on the circumstances of the complaint and the decision will be made by the Chair of Trustees (or the Clerk).

The Complaints Panel will decide whether to deal with the complaint by inviting parties to a Hearing or by way of written representations, but in making their decision they will be sensitive to the complainant's needs. The Hearing may take place with both parties present or attending separately at different times. Once again, this will depend on the circumstances of the complaint.

Both parties (i.e. the complainant and the respondent on behalf of the Charity) may bring someone along with them to provide support. This could be a friend, relative or independent supporter. Generally, whilst not prohibited, we do not encourage either party to bring Legal Representatives to the Panel Hearing as it is not a Court of Law and cross questioning is not permitted. All questioning throughout the Hearing is conducted by the Panel. Witnesses, including members of staff, may be

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invited to give evidence during the Panel Hearing. They may also bring someone along with them to provide support, such as a friend, relative or independent supporter.

If a complaint is made regarding the behaviour or conduct of a member of staff and it is upheld in full or in part, this may result in some form of disciplinary action taking place. Where this is the case, complainants will be informed that the matter will be progressed through Staff Disciplinary Procedures, if appropriate, but the outcome(s) cannot be shared with them as this information is confidential between the employer and employee.

Representatives from the media are not permitted to attend a Stage 2 Complaints Panel Hearing.

At least 14 working days before the meeting, the Chair of Trustees (or the Clerk) will:

- Confirm and notify the complainant (and the respondent on behalf of the Charity) of the date, time and venue of the Panel Hearing. Every effort should be made to try and ensure that that Hearing date and time is convenient for both parties and that the venue and proceedings are accessible. Please note however, that if the complainant rejects the offer of three proposed dates and without good reason, the Chair of Trustees (or the Clerk) will decide when the Panel Hearing will be, and it is permitted to proceed in the complainant's absence on the basis that the Panel will consider all written submissions from both parties. Similarly, if either party elects to leave the Hearing before it has finished, it is permitted to continue in their absence.
- Request copies of any further written material to be submitted to the Panel at least 7 working days before the meeting. Late evidence will not be accepted.

Any written material submitted will be circulated to all parties at least 5 working days before the date of the Hearing. The Complaints Panel will not normally accept as evidence audio or video recordings of conversations that were obtained covertly and/or without the informed consent of all parties being recorded.

The Complaints Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint that may have been included. Any new complaints must be dealt with at Stage 1 of the complaints process first.

The Stage 2 Complaints Panel Hearing will be held in private. Electronic recording of the Hearing is not normally permitted unless a complainant's own disability or special needs require a reasonable adjustment to be made. Complainants cannot insist on a Hearing being recorded without good reason. Prior knowledge and consent of all parties attending must be sought and obtained before recording of the Hearing can take place. Any request to audio or video records the meeting and whether this was consented to or not by all parties present should be documented in the Clerk's detailed notes of the Hearing. The final decision as to what reasonable adjustments will be made, if any, rests with the Charity.

The Stage 2 Complaints Panel will consider the complaint, and all the evidence presented by both parties. The Panel can:

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- Uphold the complaint in full or in part.
- Reject the complaint in full or in part.
- Make a finding of No Judgement if there is insufficient evidence to reach a definitive conclusion.

If the complaint is upheld in full or in part, the Stage 2 Complaints Panel will:

- Decide on the appropriate action to be taken to try and resolve the complaint.
- Where appropriate, recommend changes to the Charity's systems or procedures to prevent the same or similar issues happening in the future.

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

The outcome letter to the complainant (and copied to the respondent on behalf of the Charity) will include details of how to contact the Charity Commissioner if they are dissatisfied with the way their complaint has been handled by Charity.

If the complaint is:

- jointly about the Chair and the Vice Chair of the Board of Trustees or
- the majority of the Board of Trustees or
- the entire Board of Trustees

Stage 2 will be heard by a Panel of Independent Trustees appointed by the Charity Commissioner.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision(s) made and the reason(s) for them. Where appropriate, it will include details of actions that St. Albans Mencap Charity will undertake to try and resolve the complaint and to prevent the same issues from recurring.

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

Stage 2

Trustee Review - Complaints where a child no longer attends the Charity service

The purpose of this complaints process is to ensure that if an error has been made, or an injustice has occurred, action can be taken to try and provide a remedy. Where the complainant has removed their child from Charity services, it is impossible for Charity to provide a remedy that will directly benefit them or their child.

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However, as the Board of Trustees has a duty of care to children, young people and adults who access St. Albans Mencap services, where a person has left the service, it will ensure that the circumstances of any complaint made are reviewed so that the Board of Trustees is satisfied that the Charity had acted appropriately and that the relevant policies and procedures had been followed correctly.

Under this policy and procedure, where a person no longer accesses Charity services and their name has been removed from the Charity roll, the Chair of Trustees has the discretion to commission a Stage 2 Trustee Review instead of a Stage 2 Complaints Panel. The Chair of Trustees will choose one of the two options, to ensure that the complaint is investigated appropriately, and that the complaints process can be concluded, however, the final decision as to which option they choose is entirely at their discretion.

If a decision is taken to commission a Stage 2 Trustee Review instead of a Stage 2 Complaints Panel Hearing, the Chair of Trustees will appoint a Trustee who has had no prior involvement in the complaint to undertake this. If a Trustee cannot be appointed from the Charity's own Trustee Board (for example due to sickness or other prior commitments), the Chair of Trustees will appoint an independent Trustee with the help of Royal Mencap.

Once a Trustee has been appointed, they will review the original complaint, the Stage 1 Investigation and response, the complainant's reply to the Stage 1 response (including their escalation request) and any further evidence the complainant has submitted (this must relate to the complaint and cannot be in relation to new matters).

When the review is complete, either the Chair of Trustees or the Trustee who conducted the review will write to the complainant to inform them whether the complaint has been upheld or rejected, in full or in part, and of any changes to practice and procedures which have been agreed by the Board of Trustees.

Further recourse

Complaints of any other nature

If the complainant believes that Charity did not handle their complaint correctly in accordance with this complaints policy and procedure or that it acted unlawfully or unreasonably in exercising its duties under education law, they can approach the Charity Commissioner after they have exhausted the Charity's complaints process at Stage 2.

Roles and Responsibilities

Complainant

The complainant should:

- Explain their complaint in full as swiftly as possible.
- Co-operate fully with the Charity to try and resolve the complaint.
- Respond promptly to requests for information or meetings.
- Agree the details of their complaint and their desired outcomes in a timely way if clarification is requested.
- Ask for assistance if or when needed.
- Treat everybody involved in their complaint and the complaints process with dignity and respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.
- Refrain from making allegations and threats.

If the complainant fails or refuses to follow the above, the Charity may have to suspend its consideration of their complaint, either temporarily or permanently, depending on the nature of the complainant's behaviour and how this affects the Charity's handling of the complaint. In such circumstances, the Charity also reserves the right to invoke its Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints (contained in Appendix 3).

Investigator (if one is required or appointed)

This could be the Service Manager or another member of the Charity's Senior Management Team. The Investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
 - Interviewing any staff, children, young people or any other people relevant to the complaint.
 - Consideration of records and other relevant information.
 - Analysing information.
 - Referring to any relevant Charity policies and procedures that apply.
- Liaising with the complainant and the Complaints Co-ordinator as appropriate to try and identify how the complaint may best be resolved.

The Investigator should:

- Conduct interviews with an open mind and be prepared to persist in their questioning if they deem this necessary.
- Keep notes of interviews or arrange for an independent note taker to document the meeting.
- Ensure that any papers produced during the investigation are kept securely pending further consideration of the complaint.
- Be mindful of the timescales to respond.

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- If the Investigator is somebody other than the Service Manager, then they should prepare a comprehensive report for the Service Manager or the Stage 2 Complaints Panel that sets out the facts, tries to identify solutions and makes recommendations to try and resolve the issues.

The Service Manager or Stage 2 Complaints Panel will then determine whether to uphold or reject the complaint in full or in part and communicate their finding(s) to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

This could be the Service Manager, a Designated Complaints Trustee or a member of Charity staff providing administrative support.

The Complaints Co-ordinator should:

- Ensure that the complainant is updated at each stage of the Charity's complaints process.
- Liaise with staff members, the Service Manager, the Chair of Trustees, the Clerk and any another relevant sources of information or support, to ensure a smooth and effective complaints process.
- Remain mindful of issues regarding sharing third party information and additional support. This may be needed, for example, by complainants when making a complaint, including an Interpreter or where the complainant is a child or young person.
- Keep accurate records and store them securely.

Clerk to the Board of Trustees

The Clerk is the point of contact for the complainant, the respondent on behalf of the Charity and the Stage 2 Complaints Panel. They should:

- Ensure that everybody involved in the complaints process is aware of their legal rights and responsibilities, including any under legislation relating to Charity complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties if they are invited to attend (unless three proposed dates have been declined without good reason in which case the Clerk or the Chair of Trustees will decide when the Hearing will be). They should also ensure that the venue and proceedings are accessible for all attendees.
- Collate any written material relevant to the complaint (for example, the Stage 1 paperwork, the respondent on behalf of the Charity's submission, the complainant's submission and signed, dated witness statements) and send it to all parties in advance of the meeting within an agreed timescale (including the Panel).
- Take detailed notes of the Stage 2 Complaints Panel Hearing.
- Provide a copy of their detailed notes to either or both parties if requested to do so.
- Notify both parties of the Panel's findings.

Chair of the Stage 2 Complaints Panel

The Chair of the Stage 2 Complaints Panel will be appointed in advance of the Hearing and should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the Hearing.
- The Hearing is conducted fairly and impartially, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- Complainants who may not be used to attending such Hearings are put at ease insofar as possible. This is particularly important if the complainant is a child or young person.
- The remit of the Complaints Panel is explained to both parties.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises, it would be useful to give everyone the opportunity to consider it and comment upon it. This may require an adjournment of the Hearing. New issues would need to be passed back for consideration at Stage 1 first.
- Both the complainant and the respondent on behalf of the Charity are given the opportunity to put forward their case and seek clarity, either through written submissions ahead of the Hearing or verbally in the Hearing itself.
- No cross questioning is permitted. All questioning is conducted by the Panel.
- The issues are addressed.
- Key findings of fact are made.
- The Panel is open-minded and acts independently.
- No member of the Panel has an external interest in the outcome of the proceedings or has had any involvement at an earlier stage of the complaints process.
- The Clerk takes detailed notes of the Hearing.
- They liaise with the Clerk whenever the need arises (and the Complaints Co-ordinator, if the Charity has one).

Stage 2 Complaints Panel Member

Stage 2 Complaints Panel Members should remain mindful that:

- The Hearing must be independent and impartial and should be seen to be so.
- No Trustee may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the Hearing should be to try and resolve the complaint and achieve reconciliation between the Charity and the complainant wherever possible.
- The complainant may not be satisfied with the outcome if the Panel does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous in a formal setting such as this.
- Parents and carers often feel emotional when discussing issues that affect their children.
- Extra care needs to be taken if the complainant is a child or young person, and they are present during all or part of the Hearing.

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- Careful consideration of the atmosphere and proceedings should be given to ensure that a child or young person does not feel intimidated.
- The Panel should respect the views of a child or young person and give them equal consideration to those of adults.
- If a child or young person is the complainant, the Panel should ask them in advance if any support is needed to help them present their complaint.
- Where a child or young person’s parent or carer is the complainant, the Panel should give them the opportunity to say which parts of the meeting, if any, the child or young person would like to be present for.
- The complainant should be advised that it may not be agreed for a child or young person to attend a Hearing if the Panel considers that it is not in the child or young person’s best interests.
- The welfare and best interests of the child or young person should always remain at the forefront.

Appendix 2

Formal Complaint Form

Name:		
Address:		
Postcode:		
Email address:		
Telephone No:	Day:	
	Evening:	
	Mobile:	
What is the nature of your complaint? (Please use additional sheets if needed)		

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<p>Have you raised your issue(s) with your child's Play Leader/Service Manager at the informal stage? If so, when did you do this?</p>	<p>Yes (inc. date)</p>	<p>No</p>
<p>Have you complained to the Service Manager at Stage 1?</p>	<p>Yes (inc. date)</p>	<p>No</p>
<p>What happened when you complained to the Service Manager?</p>		
<p></p>		

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What are your desired outcomes?	
Signed:	
Date:	

Please return your completed complaint form to the Charity Office either by email at complaints@stalbansmencap.org.uk, or in hard copy format and it will be passed to the Service Manager or Chair of Trustees, depending on what stage the complaint is at and what it is regarding.

Appendix 3

St. Albans Mencap Charity

Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints

St. Albans Mencap Charity is committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Board of Trustees has adopted.

Charity will not normally limit the amount of contact that parents, carers or complainants have with us; however, the Charity does not expect its staff to tolerate unreasonable behaviour and we will take decisive action to protect staff from such behaviour, including any that the Charity deems to be abusive, offensive or threatening.

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St. Albans Mencap Charity defines unreasonable behaviour as that which affects the smooth and efficient running of Charity on a daily basis, or that which hinders Charity's consideration of complaints because of the frequency or nature of the complainant's contact with the Charity, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints process at any stage.
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Seeks to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Charity Commissioner.
- Seeks an unrealistic outcome.
- Makes excessive demands on Charity time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the Charity on an ongoing basis with varying time delays in between.
- Knowingly provides false information.
- Persistently approaches various individuals at the Charity, as well as the Local Authority, Ofsted and the Charity Commissioner, etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publishes what the Charity deems to be inappropriate or unacceptable information on social media or other platforms.

Complainants should try to limit their communication with the Charity where it relates to their complaint, whilst the complaint is being progressed through the complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever possible, the Service Manager or Chair of Trustees will discuss any concerns with the Complainant/Parent/Carer about their behaviour informally before deciding to invoke this policy and procedure for managing persistent and vexatious behaviour and complaints.

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If any unreasonable behaviour continues after the Service Manager or Chair of Trustees has spoken informally with the Complainant/Parent/Carer, the Service Manager will write to them. The Service Manager will confirm that the Charity deems their behaviour to be persistent and/or vexatious and will ask them to stop behaving in this way.

Wherever Complainants/Parents/Carers continue to contact St. Albans Mencap Charity excessively, causing a significant level of disruption, the Charity will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of Staff (e.g. the Service Manager).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contact with the Charity.
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Trustees will inform them in writing that the process has been exhausted, that the matter is now closed, and that the Charity will not enter into any further correspondence about it.

The decision of the Service Manager or Chair of Trustees to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the Charity's complaints process. This is because the decision will be reviewed by the Service Manager or Chair of Trustees after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Service Manager or Chair of Trustees reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the Charity deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the Charity reserves the right to reinstate the communication restrictions that previously applied.

In response to any serious incident of aggression or violence, St. Albans Mencap Charity will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the Charity premises. Should the Charity deem this necessary, it will ensure that it adheres to the guidance issued by the Charity Commissioner.

The Charity also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.