



Complaints Policy

Approval body:	Mulberry Schools Foundation Trustees
Implementation date:	January 2024
Next review date:	January 2025
Policy version:	1

1. Introduction

- 1.1. Mulberry Schools Foundation (“the Foundation”) is committed to providing exceptional educational opportunities for its beneficiaries. This Complaints Policy underpins this mission statement, aiming to ensure that complaints are managed sympathetically, efficiently and at the appropriate level. It should be read in conjunction with the Foundation’s Safeguarding Policy.
- 1.2. The Foundation needs to know as soon as possible if there is any cause for dissatisfaction, so that it can resolve issues as soon as possible. Those involved with the Foundation, be they grantees, beneficiaries of the Foundation’s work or others, should never be prevented or discouraged from raising a concern, difficulty or complaint if an issue arises. It is important for the Foundation to view complaints as sources of learning so that it may improve its practice going forwards.

2. Complaints definition

- 2.1. As stated by the Fundraising Regulator, a complaint may be generally defined as an expression of dissatisfaction, however made, about actions taken or a lack of action.

3. Scope of policy

- 3.1. This policy covers complaints made by or about anyone who is involved with the Foundation or its work. It does not cover Mulberry Schools Trust complaints, including those made regarding the Trust-based work of staff who also support the Foundation. There is a separate Trust policy for such complaints which can be accessed at <https://mulberryschoolstrust.org/trust-policies-and-financial-statements/>.
- 3.2. Mulberry Schools Foundation aims to deal with complaints through internal review, as detailed below. If a complainant is not satisfied with the Foundation’s processes once they have been conducted, they should contact the Fundraising Regulator (<https://www.fundraisingregulator.org.uk/>) for fundraising complaints or the Charity Commission (<https://www.gov.uk/government/organisations/charity-commission>) for issues with the Foundation’s complaints process.

4. Principles behind the handling of complaints

- 4.1. Investigations of complaints should be conducted thoroughly and fairly
- 4.2. The Foundation should respond to all complaints in a timely manner, as laid out in the procedures below
- 4.3. Decisions arising from investigations should be clear, appropriate and logical
- 4.4. At the end of the complaints process, the complainant should feel that their complaint has been dealt with appropriately
- 4.5. Complaints should be used as opportunities to improve the practice of the Foundation
- 4.6. Complainants should not be negatively impacted by their decision to make a complaint

5. Record-keeping

- 5.1. All complaints and the details of the Foundation’s responses should be recorded carefully

- 5.2. Complaint information should only be shared with those who need to know for the complaint to be processed appropriately or for the improvement of the practice of the Foundation
- 5.3. Personal data and any correspondence, statements or records related to individual complaints should be kept confidential from any third party and held in accordance with data protection laws and the Foundation's Privacy Policy

6. Foundation personnel and complaints

- 6.1. Trustees and staff working for the Foundation should be aware of the complaints procedure
- 6.2. Trustees should be informed of any complaints and review them at each board meeting

7. Complaints procedure

- 7.1. The Foundation's complaints procedure should be accessible to all so that no one feels they cannot make a complaint. This procedure is available online and physical copies are available upon request.
- 7.2. The following process should be used by anyone connected to the Foundation, including Mulberry Schools Trust staff if their complaint relates to the Foundation.
 - 7.2.1. Stage 1: Informal reporting

Verbal complaints about the operation of the Foundation or persons connected to the Foundation should be dealt with as they arise. If possible, low-level complaints should be directed to the individual(s) concerned. Complainants will often not feel comfortable complaining directly to the individual(s) concerned, however. In these cases, the complainant should file a formal complaint, as detailed in Stage 2.

All informal complaints should be acknowledged within five working days and resolved within five working days of the acknowledgement, which should be dated. If a complainant does not receive an acknowledgement in time or they wish to escalate a complaint, they should file a formal complaint.

7.2.2. Stage 2: Formal complaint

All formal complaints should be sent in writing to the Trustee with safeguarding responsibility and acknowledged within three working days. The acknowledgement should confirm the date of receipt. The complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the complainant believes the Foundation should do to resolve the complaint.

Any documentation relied upon by the complainant should be attached to the formal complaint.

Upon receipt of a formal complaint, the Trustee with safeguarding responsibility will begin an investigation. They should not have been involved in the origin of the complaint or the previous stage of the complaints process.

The complainant should be informed of their name and may ask for a different investigator within three working days if they have any issues with the investigation being led by the Trustee with safeguarding responsibility. Any such requests will be considered by the Chair, who may appoint a different investigator, either a Trustee or an independent person, if they consider it to be reasonable and proportionate.

Investigations should always be impartial, focused on getting to the cause of the complaint and securing resolution between the parties concerned. The investigator should be given all information collected by the Foundation at the previous stage (if applicable). For more information on the nature of the investigation, please see the relevant section of the Mulberry Schools Trust Complaints Policy (<https://mulberryschoolstrust.org/trust-policies-and-financial-statements/>).

The investigator should write to the complainant and the Chair of Trustees within 15 working days of the beginning of the investigation, informing them of the outcome of the investigation and the conclusions reached. Any persons involved in the complaint should also be contacted.

The complainant should also be informed that, if they are unsatisfied with the outcome of the investigation, they should write to the Chair of Trustees within five working days asking for their complaint to be reviewed by a panel of trustees.

7.2.3. Stage 3: Panel review

If the complainant writes to the Chair of Trustees to begin stage 3 of the review process, their communication should not repeat points from the original complaint, but explain why they do not accept the outcomes of the investigation that has been conducted. The Chair of Trustees should acknowledge the complainant's communication within five working days, confirming the date of receipt in their response, the date of the complaint panel hearing and the names of the members of the review panel. If the complainant has any issues with the members of the panel, they should respond to this communication within three working days.

The panel will consist of the Chair of Trustees and two other individuals: one trustee and an individual who is not part of the Foundation, who will chair the panel. Independent members of panels should have held a position of responsibility in a business, political or educational setting. They should be used to analysing evidence and presenting balanced arguments and may be a member of the board of Mulberry Schools Trust.

The members of the review panel must not have been involved in the origin of the complaint or the previous stages of the investigation. The panel must be impartial. Apart from the Chair of Trustees, anyone involved in stage 2 of the investigation cannot be part of the panel. If there is an insufficient number of trustees who have not been involved in the case, another individual independent of the Foundation should be appointed as part of the panel.

The panel should meet no sooner than six working days and no later than ten working days of the Chair of Trustees' acknowledgement of the complainant's communication. Members of the panel should be presented with all information collected at previous stages. The names of individuals other than the complainant, members of Foundation staff and trustees, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed. If the complainant wishes the panel to consider any additional information, they should forward this documentation to the Chair of Trustees to arrive at least three working days before the panel hearing, to enable the Chair to forward it to the panel.

For the procedure at the complaint panel hearing itself, please see the Mulberry Schools Trust complaints policy (<https://mulberryschoolstrust.org/trust-policies-and-financial-statements/>).

Following the hearing, the review panel will meet in private and decide which facts have been established as true on the balance of probability. If a fact is not deemed relevant, the panel will not consider it further. The panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings. They will then make recommendations based on the facts that have been established, aiming to achieve reconciliation between the parties involved.

These recommendations should be shared with the complainant and any person complained about within 5 working days.

The decision of the review panel is final, but if the complainant is still not satisfied by the process, they may complain to an external body. The Fundraising Regulator (<https://www.fundraisingregulator.org.uk/>) should be contacted for fundraising complaints and the Charity Commission (<https://www.gov.uk/government/organisations/charity-commission>) should be contacted for issues with the Foundation's complaints process.

7.3. Complaints about persons responsible for the complaints process

- 7.3.1. If an individual wishes to file a formal complaint about the Trustee with safeguarding responsibility, they should write directly to the Chair of Trustees. They will then consider the case and, if they deem it reasonable and proportionate, may appoint a different investigator to carry out the investigation at stage 2.
- 7.3.2. If an individual wishes to file a formal complaint about the Chair of Trustees, they should write to another trustee to begin stage 2 of the complaints procedure. This Trustee will take the place of the Chair in the processes detailed above. No one who has been involved in the origin of the complaint should be involved in the review process.

8. Outcome Principles

8.1. Examples of outcomes include:

- 8.1.1. There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- 8.1.2. The investigation did not substantiate the matters raised, so the complaint cannot be upheld
- 8.1.3. The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Foundation as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a trustee or member of staff are strictly confidential and cannot be disclosed
- 8.1.4. The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed

9. Other types of complaint

- 9.1. The Foundation follows the policies laid out in the Mulberry Schools Trust complaints policy (<https://mulberryschoolstrust.org/trust-policies-and-financial-statements/>) regarding late complaints, vexatious and repeated complaints and anonymous complaints.