



Complaints Policy and Procedure

Approval body:	NEAT Active Ltd Board of Directors, can be delegated
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Statutory policy	No
Publish on website	Yes – Benfield Sports Centre

Review Date	
Frequency	Next Review Due
Every three years	July 2024 (or earlier if new guidance or legislation issued and/or business need for earlier review identified)

Version Control:

Author	Date	Version	Status	Notes
Head of Governance and Corporate Affairs (SH)	2/07/21	1.0	Final	Agreed by directors for implementation by NEAT Active Ltd
Head of Governance (SH)	06/10/23	2.0	Final	Approved by Executive Director - very minor amendments to remove references to employees and amend job titles.

1 Purpose

The purpose of this policy is to ensure that any complaint about NEAT Active Ltd is managed appropriately and resolved as soon as possible.

The company welcomes feedback from service users and other stakeholders and needs to know as soon as possible if there is any cause for dissatisfaction. We will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures.

2 Scope

This policy applies to complaints from:

- service users or their parents/carers;
- members of the public or other organisations;
- sub-tenants of the company;
- a non-executive director of NEAT Active Ltd or NEAT Academy Trust; or
- stakeholders for data protection and freedom of information related matters.

This policy is not intended to apply to complaints related to the following aspects of the company's work as these are covered by separate procedures:

- child protection concerns; or
- complaints about services run by other providers who use the same premises or facilities as NEAT Active Ltd.

The NEAT Group has a separate policy for confidential reporting of concerns ("whistleblowing") which anyone working for NEAT Active Ltd can use to raise concerns about malpractice in the workplace.

This Complaints Policy and Procedure does not apply to NEAT Academy Trust, which has its own policy.

3 Policy statement

The company aims that:

- your complaint will be dealt with honestly, politely and confidentially;
- your complaint will be looked into thoroughly and fairly and every effort will be made to resolve the issue;
- all complaints will be dealt with on a timely basis in accordance with the deadlines for each stage of the procedure outlined below; and
- if at any stage we believe we are unable to meet the deadline we will tell you before the deadline, explain the reason we are unable to meet it and confirm a new deadline.

4 Roles and responsibilities

- **NEAT Active Ltd Board of Directors:** The Board will review this policy and monitor the nature of complaints and their outcomes on a regular basis to ensure the effectiveness of this procedure.

5 How to make a complaint

To enable a proper investigation, complaints should be brought to the attention of the

company as soon as possible, and in general, no later than three months after the event that gave rise to the complaint.

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), we reserve the right to refuse to investigate the complaint under this Complaints Procedure if it appears reasonable and fair to do so, having regard to any exceptional circumstances surrounding the complaint.

All personal information or records relating to complaints will be treated in confidence and in accordance with the requirements of the Data Protection Act and General Data Protection Regulations.

Please note we do not respond to or investigate anonymous complaints, except in extreme circumstances where the safety of a child or vulnerable adult may be compromised.

6 Stage 1: Informal stage

All concerns or issues should be raised at an early stage to give the company the opportunity to consider the matter and take action where appropriate. Discussion at this early stage will also enable you to decide if you remain dissatisfied and wish to complain.

A complaint about any aspect of the company's activities should in the first instance be raised with the Sports Centre Manager.

You may make a complaint by telephone, email or letter, or in person if you contact the office to make an appointment in advance. Regardless of the communication method used, an appropriate member of staff will contact you to discuss the situation and may offer to meet with you.

We anticipate that most issues can be dealt with informally through discussion. We expect our staff to work hard to provide an effective and efficient service to all stakeholders. They will want to know if there is a problem and will seek to resolve the issue.

If you feel that the complaint has not been resolved under Stage 1, or where there is a general complaint about the company's activities, you have the right to make a formal complaint under Stage 2.

7 Stage 2: Formal complaint

If the complaint is not resolved at the informal stage, you should put your complaint in writing. You may use the complaints form provided by the company for this purpose, or you may submit a letter or e-mail if you prefer. In all cases you should:

- state clearly the reason for the complaint;
- explain clearly what steps have been taken to resolve the complaint so far and why this has not been satisfactory; and
- outline the desired outcome from the complaint.

Please contact the Clerk to the Directors if you have difficulty in providing details in writing so we can discuss alternative ways of receiving the information with you.

A formal complaint will be handled by one of the following:

- If your complaint is about the actions of a member of staff, it will be dealt with by the Sports Centre Manager, on behalf of the company.
- If your complaint is about the actions of the Sports Centre Manager when acting on behalf of the company, it will be dealt with by the Executive Director.
- If your complaint is about the actions of the Executive Director or one of the non-executive directors, it will be dealt with by the Chair of the Board of Directors. (If your complaint is about the actions of the Chair of the Board of Directors, please contact the Clerk to the Directors in the first instance and alternative arrangements to handle your complaint will be put in place.)

In all cases, the company reserves the right for the Chair of the Board of Directors to determine that the complaint should be handled by another party taking into account the circumstances of the case: for example, if there is a potential conflict of interest in the person named above handling the matter.

The named person will be responsible for ensuring that your complaint is investigated.

They will respond formally to you in writing to acknowledge the complaint within 5 business working days of receipt of your complaint. They will explain how the complaint will be dealt with and contact you to clarify your concerns and to seek a resolution to them (this may be by telephone, e-mail, letter or in person).

The named person will inform you in writing of the outcome within 10 business working days of receipt of your complaint. The response will detail any actions taken to investigate your complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint. You will be advised of how to escalate your complaint if you remain dissatisfied with the outcome of Stage 2.

8 Stage 3: Panel hearing

If you remain dissatisfied following Stage 2 and wish to take the complaint further, you should submit a written request for a panel hearing to the Clerk to the Directors.

The written request should:

- state clearly the reason for the complaint;
- explain clearly what steps have been taken to resolve the complaint so far and why the outcome at Stage 2 has not been satisfactory; and
- outline the desired outcome from the complaint.

The Clerk to the Directors will arrange for a panel to hear the complaint. The panel will consist of company directors and must include at least one member who is independent of the management and running of the company. None of the panel will have prior knowledge of the nature of the complaint. In all cases, the company reserves the right to determine that the complaint should be handled by another party taking into account the circumstances of the case: for example, if there is a potential conflict of interest in the company directors handling the matter.

The following procedure will apply:

- The panel hearing should be held within 20 working days of receipt of your written request.
- You will be given at least 10 business working days' notice of the panel hearing in writing.

- The person who handled the complaint under stage 2 will be invited to the panel hearing to explain their investigation and the decision they reached.
- Both parties will be given the chance to submit any written documentation relevant to the complaint to the Clerk to the Directors no later than five business working days before the panel hearing, which will be circulated to both parties in advance.
- You may bring a friend, family member or interpreter to the hearing for support. Neither you nor the company will be represented by a legal adviser at the hearing.
- Both you and the person who handled the complaint under stage 2 will be given the opportunity to address the panel. The panel may ask questions of both parties.
- The panel may invite any person who could help establish the facts of the complaint to the hearing if they consider that they require further information before reaching a decision.
- When the panel has considered your complaint, the chair of the panel will write to you to tell you the outcome within 5 business working days of the panel hearing. The response will detail any actions taken to investigate your complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint. The panel will ensure that those findings and recommendations are sent by e-mail or otherwise given to you and, where relevant, the person complained about.

There are no further stages to the complaints procedure.

9 Record keeping

A written record will be kept of all formal complaints, of whether they are resolved at Stage 2 or proceed to Stage 3 and action taken by the company as a result of those complaints (regardless of whether they are upheld).

Correspondence, statements and records relating to individual complaints will be kept confidential.

10 Special considerations: malicious, vexatious or trivial complaints

There may be occasions when, despite a complaint being considered under one or more stages of this procedure, a person persists in making the same complaint. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of resources to deal with it under the formal stages of the procedure.

In all of these cases, the company reserves the right to regard the complaint as malicious, vexatious or trivial and to refuse to investigate it under Stage 2 of this procedure, if it appears reasonable and fair to do so, having regard to the circumstances about the complaint. Any proposal to do so will require the authorisation of the Executive Director, or the Chair of the Board of Directors if the complaint concerns the Executive Director. In these circumstances we will write to the person within 5 business working days of the complaint being raised under Stage 2 to notify them of the decision

If the person is unhappy with the decision not to investigate a complaint under Stage 2,

they may write to the Chair of the Board of Directors. The Chair will review whether the decision not to investigate was reasonable but will not investigate the complaint itself. (If the decision not to investigate a complaint under Stage 2 was made by the Chair of the Board of Directors, please contact the Clerk to the Directors in the first instance and alternative arrangements to review their decision will be put in place.)

The Chair will write to the person with the outcome of the review within 10 business working days from the date that the letter from the complainant seeking the review was received. If the Chair overturns the decision not to investigate the complaint, it will be referred to the relevant person to be dealt with under Stage 2.

General

This policy is at the discretion of the company and can be varied at any time. Decisions will be based on the version of the policy in force at the time an event takes place. In the event of any conflict with primary legislation or statutory regulations, the legal provisions will have precedence over this policy in all cases.