

Complaints and Representations Policy

Statement and Vision

Our aim is to recognise that there will be occasions when the Witherslack Group's actions do not meet the reasonable expectations of the public, its employees, its children and young people or its stakeholders. This policy is designed to enable proper consideration to be given to each complaint in a way that is as fair and impartial as possible.

In Response to

- The Children's Acts 1989, 2004
- Education Reform Act 1988 and subsequent instruments/guidance
- Education Act 2002
- Statutory Instrument 2003 No. 1910 Education, England. The Education (Independent Schools Standards) (England) Regulations 2014
- Education Act 2002
- Section 109 of the Education and Skills Act 2008
- The Education and Inspections Act 2006
- National Minimum Standards for Residential Special Schools 2015
- Children's Homes Quality Standards 2015
- Children's Homes Regulations 2015
- Best Practice Advice for School Complaints Procedures 2019

The Witherslack Group will:

Provide an effective means for service users, stakeholders and others to complain if they are dissatisfied in any way.

Ensure that complaints are dealt with in a courteous, timely and efficient way and are resolved without avoidable delay.

Provide stakeholders with a formal method of challenging decisions made about their lives with which they disagree.

Maintain accurate and comprehensive records of complaints made, so that regular reviews can be held for internal and external monitoring and accountability.

Create a positive approach to complaints, where complaints are valued as a means to continuously review and improve the services offered by the Witherslack Group.

Practice Guidance will include:

Guidance to staff, children and young people, parents, carers, other stakeholders and members of the public on how to raise complaints and how they will be dealt with.

How staff, children and young people, parents, carers, other stakeholders and members of the public can have access to a copy of the policy and procedures.

Introduction

The essential elements of a sound complaints procedure include an initial informal stage, where most complaints are dealt with informally within the establishment by simply talking the concern over. Occasionally complaints cannot be resolved in this manner and this may necessitate the involvement of the Head Teacher/Registered Manager, or his/her delegate, as arbiter. More rarely, when complaints cannot be resolved in the preceding ways, an appropriate Witherslack Group Regional Director, or their nominated person, will need to become involved to resolve the situation.

Although the Witherslack Group Regional Directors or their nominated person will wish to be helpful, and reassure any concerned party that an issue will be handled fairly, taking part in such discussions can later prejudice their involvement in any formal complaints procedure. The Witherslack Group Regional Directors or their nominated person are, therefore, advised to either;

- make this difficulty known and refer the party to the Head Teacher/Registered Manager; or
- listen in order to help resolve the concern but accept this will prejudice their impartiality if the issue develops into a formal complaint to be considered by the Complaints Panel at a later stage.

This policy and practice guidance sets out how general complaints can be managed. All complaints will be dealt with as quickly and efficiently as possible. The period of consideration will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. All correspondence, statements and records of complaints will at all times be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them. This policy and practice guidance also sets out who deals with more specific types of complaints not covered by this policy.

A written record will be kept by the school/children's home of all complaints indicating whether they were resolved at the preliminary stage, or whether they proceeded to a panel hearing.

Rationale

Each establishment does not function in isolation. It has a wide reference set. The set includes parents/carers, Regional Directors, School/Integrated site Boards, Placing Authorities, the Department for Education, Department of Health other professionals and the local community. The action of the establishment and the staff who work in it will sometimes be open to comment, question and, occasionally criticism. It is likely that the children and young people who live in the home and/or attend the school, because of their social, learning, communication, emotional, behavioural or mental health difficulties, will more frequently be subject to comment, question and criticism.

It is important that any such censure is addressed as quickly and thoroughly as possible. The complainant will be kept informed of all developments throughout the complaints process. It is the right of everyone to make a complaint and to have his or her complaint addressed. Under no circumstances should there be reprisals of any kind against those making complaints.

Scope

This policy and practice applies to children and young people, parents and carers, staff, other professionals and members of the public.

Most matters to do with the management of the school/children's home are within the scope of this policy and practice, and ultimately the responsibility of the Witherslack Group Regional Directors and Board of Directors.

Complaints about the following issues have their own separate procedures and cannot be considered under the procedure described in this policy:

- any action which may fall within the remit of Safeguarding/Child Protection
- matters which are the responsibility of the Placing Authority,
- the conduct of any staff at the school/children's home that is a matter for the school's/children's home's disciplinary procedures,
- content of a statutory Education, Health and Care Plan,
- admissions to the establishment,
- school exclusions.

Any uncertainty about whether a complaint is an establishment or a Placing Authority issue can be resolved by contacting the Head Teacher/Registered Manager or the appropriate Witherslack Group Regional Director. In addition to the Witherslack Group Complaints and Representation Policy every child/young person has the right to access the complaints procedure of their Placing Authority.

Children and young people may require support and/or guidance to access external complaints procedures and it may be necessary for staff to act as an 'advocate' for children and young people or to suggest to children/young people others external to the school who would be willing to act as an advocate, for example the young person's social worker.

Similarly children and young people, parents/carers and members of the public may raise their concerns directly with Ofsted Tel: 0300 1231231 or 0300 1234666

Ofsted National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

Practice

Staff – Staff

Some degree of friction between staff is inevitable in work situations which can be pressured and stressful. This is compounded by the challenge presented by children and young people with social, learning, communication, emotional and/or behavioural, mental health difficulties. Success in keeping such friction to a minimum and managing inter-personal difficulties appropriately allows staff to work together productively and provides an example and model to young people, most of whom have great difficulty in managing their feelings and relationships.

In almost all cases differences between staff should be managed by talking the matter through on a one to one basis without involving others. If this does not provide a resolution, then staff should seek the guidance of their line managers and, if still unsuccessful, the Head Teacher/Registered Manager or his/her delegate.

Should a member of staff feel that a colleague has acted in a way which is contrary to the guidelines on establishment practice staff must report this to their line manager or the Head Teacher/Registered Manager as soon as practicable/possible. Not to do so places the whole establishment and the needs of our young people at risk.

Should the complaint be against the Head Teacher or Registered Manager then staff must refer the matter to the appropriate Witherslack Group Regional Director.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager (unless they are involved in the complaint, then the appropriate Witherslack Group Regional Director, or their nominated person, will investigate the complaint) or his/her delegate according to the procedures described within this policy.

However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy and referred to the appropriate Witherslack Group Regional Director.

Staff of Themselves

There is a risk that under pressure staff will at times behave inappropriately. It is important that in such a situation the member of staff informs their line manager or the Head Teacher/Registered Manager themselves. The situation is likely to become more difficult to resolve if the Head Teacher/Registered Manager first becomes aware of a complaint from another member of staff, parent/carer, young person or any other person.

Child/Young Person – Staff

It is essential that children and young people feel that they can complain should they feel that they have been inappropriately managed or unfairly treated by a member of staff. Whilst it is usually best if a child/young person talks the matter through with their Key Worker/Tutor/significant professional, they also have a right to expect that any member of staff will hear their complaint and pass it on to the Head Teacher/Registered Manager or where appropriate his/her delegate. Where a formal complaint is made, parents/carers and the Placing Authority will be informed and the complaint investigated according to the procedures described within this policy.

Should the complaint be against the Head Teacher/Registered Manager then staff must report the matter to the appropriate Witherslack Group Regional Director.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy or the establishment's policy relating specifically to child/young person complaints.

Staff should be aware of the need to support children and young people in accessing the complaints and representations procedure and should inform children and young people of their right to representation by someone external to the school.

Staff – Child/Young Person

Staff working with a client group that can at times be very challenging and provocative will on occasions face verbal, emotional and physical challenge. Staff should not become indifferent to such behaviour. They have a right to use the Witherslack Group complaints procedures to deal with the challenging behaviour of children and young people and to have the support of their colleagues and the Head Teacher/Registered Manager when doing so.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy and referred to the appropriate Witherslack Group Regional Director.

Child/Young Person – Child/Young Person

Children and young people's complaints against other children and young people should be dealt with the same rigour as complaints from other sources. Many children/young people are vulnerable and often feel threatened. In the past they may not have been listened to appropriately. It is particularly important that staff leave children/young people feeling that they have been properly listened to; their feelings and anxieties understood; and their complaints fully investigated. Whilst it is usually best if a child/young person talks the matter through with their Key Worker/Tutor/significant professional they have a right to expect that any member of staff will hear their complaint and pass it on to the Head Teacher/Registered Manager or, where appropriate, his/her delegate.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager or his/her delegate according to the procedures described within this policy. However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy and referred to the appropriate Witherslack Group Regional Director.

Staff should be aware of the need to support children and young people in accessing the complaints and representations procedure and should inform children/young people of their right to representation by someone external to the school.

Parents/Carers

Parents/carers who are unhappy about any aspect of their child/young person's care/education or experience at the establishment should make an appointment to see the Head Teacher/Registered Manager or his/her delegate. The Head Teacher/Registered Manager or his/her delegate will discuss the complaint with parents/carers and involve other staff where appropriate. The parent/carer has the right to be accompanied if they wish to do so.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager or his/her delegate according to the procedures described within this policy. Usually, because of close working relationships with parents/carers, problems or worries can easily be sorted at this stage.

However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy and referred to the appropriate Witherslack Group Regional Director. Staff should be sensitive to the fact that parents/carers may require support in accessing the complaints and representations procedure.

Details of the number of complaints for the previous year are available to parents/carers on request.

Other Professionals - Professionals who are unhappy about any aspect of a child/young person's care/education or experience at the establishment should make an appointment to see the Head Teacher/Manager or his/her delegate. The Head Teacher/Registered Manager or his/her delegate will discuss the complaint and involve other staff where appropriate.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager or his/her delegate according to the procedures described within this policy. Usually, because of close working relationships with other professionals, problems or concerns can easily be sorted at this stage.

However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy and referred to the appropriate Witherslack Group Regional Director.

Community - Establishment

Members of the community who are concerned about any aspect of the establishment's practice, staff and children/young people's behaviour or any other matter should contact the Head Teacher/Registered Manager.

Any complaint will be properly, sensitively and carefully investigated by the Head Teacher/Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with Head Teacher/Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of this policy and referred to the appropriate Witherslack Group Regional Director.

Staff should be sensitive to the fact that members of the community may require support in accessing the complaints and representations procedure.

Complaints Procedure

Complainants will be given details of the outcome of the complaint at each stage of the process.

Stage 1 – Informal Stage

- Concerns can be raised with the school/children's home at any time and will often generate an immediate response. All complainants will be provided with the opportunity to discuss any concerns with the Head Teacher/Registered Manager who will try to clarify with the complainant the nature of their concern; the outcome the complainant is looking for; and assure them that the establishment will investigate it fully.
- The Head Teacher/Registered Manager or his/her delegate will make sure that the complainant receives a response to their complaint, usually within 7 working days. The response, given in writing, should detail any actions and outcomes in relation to the complaint.
- The majority of concerns will be satisfactorily dealt with in this way. However, if the complainant is not satisfied with the result as Stage 1 they should write to the school within 10 working days. The school will then take the complaint to the next stage.
- All complaints at Stage 1 will be logged in the establishment's Complaints Book, recording who made the complaint, the date of the complaint, nature of the complaint, action taken and the outcome of the complaint (including ultimately whether it was resolved at the preliminary stage or proceeded to a panel hearing). The Head Teacher/Registered Manager or his/her designated person holds this book.

Stage 2 - Formal Consideration

- Where a complainant has made an approach to the establishment through the informal stage (stage 1) and is not satisfied with the outcome, they should write (or have their concerns recorded by someone acting as an advocate on their behalf) to the Regional Director giving details of their concerns and asking for the matter to be given further consideration.
- All complaints reaching this stage will be logged in the establishment's Complaints Book and acknowledged in writing by the establishment.
- The Regional Director will seek any clarification necessary about the complaint, including interviewing the complainant where necessary.

- The Regional Director will also seek any necessary advice on the matter and investigate it carefully.
- The Regional Director will then write to you within 20 working days of receipt of your complaint to advise you of the findings and outcome of their investigation and your complaint
- Where a complainant is not satisfied with the outcome of this first formal stage (Stage 2) they have 28 calendar days from the date of the Regional Directors letter to register the complaint with the School Board Director.

Stage 3 (Formal) – Referral to the Complaints Panel

Where a complainant has made an approach to the school/children's home through this first formal stage (Stage 2) and is not satisfied with the outcome, they should write to the School's Board Director giving details of their concerns and asking for the matter to be given further consideration before the Complaints Panel

The Complaints Panel will only consider complaints which have already progressed through stages 1 and 2 outlined in this procedure.

On receipt of a written complaint the appropriate Witherslack School board Director will:

- immediately log and acknowledge receipt of the complaint;
- check that the complaint has already completed Stages 1 and 2;
- check that the 28 day period since Stage 2 was complied with;
- seek any clarification necessary about the nature of the complaint;
- inform the Director of Quality Assurance and Evaluation;
- arrange for the Complaints Panel to consider the complaint as soon as it is practical to do so; and
- Invite the complainant and any representative to the meeting.

A Complaints Panel consisting of three people (all of which have not been directly involved in the matters detailed in the complaint) including one person appointed by Witherslack Group Ltd, who is totally independent of the management and running of the establishment, will consider the complaint. The complainant may be accompanied at the hearing if they wish. The complainant or their representative will be given an opportunity to address the Panel. The Regional Director may also be given an opportunity to address the Panel. A detailed procedure covering the conduct of this meeting is attached as an appendix to this document.

The Complaints Panel will notify by electronic mail or otherwise the outcome of the meeting to the Head Teacher/Registered Manager, Regional Director and proprietor, the complainant and, where relevant, the person complained about, within 7 working days. (All correspondence relating to individual complaints will be kept confidential except where the secretary of state or a body conducting an inspection under Section 109 of the Education and Skills Act 2008 requests access). The findings and recommendations will be made available for inspection on the establishment premises by the proprietor and the Head Teacher/Registered Manager.

Complaints Against the Action of the Head Teacher/Registered Manager

Given their prominent role in the management of the establishment, sometimes complaints which initially seem to be about the Head Teacher/Registered Manager are in fact more general complaints about the establishment. Such complaints should be dealt with as general complaints and are covered by the procedure contained in this document.

Where there is a specific complaint about the conduct of a member of staff, including the Head Teacher/Registered Manager it may be more appropriate for it to be considered under the separate disciplinary process where the findings and outcomes are confidential. Where such matters refer to the conduct of the Head Teacher/Registered Manager they should initially be referred to the appropriate Witherslack Group Regional Director.

Staff Training

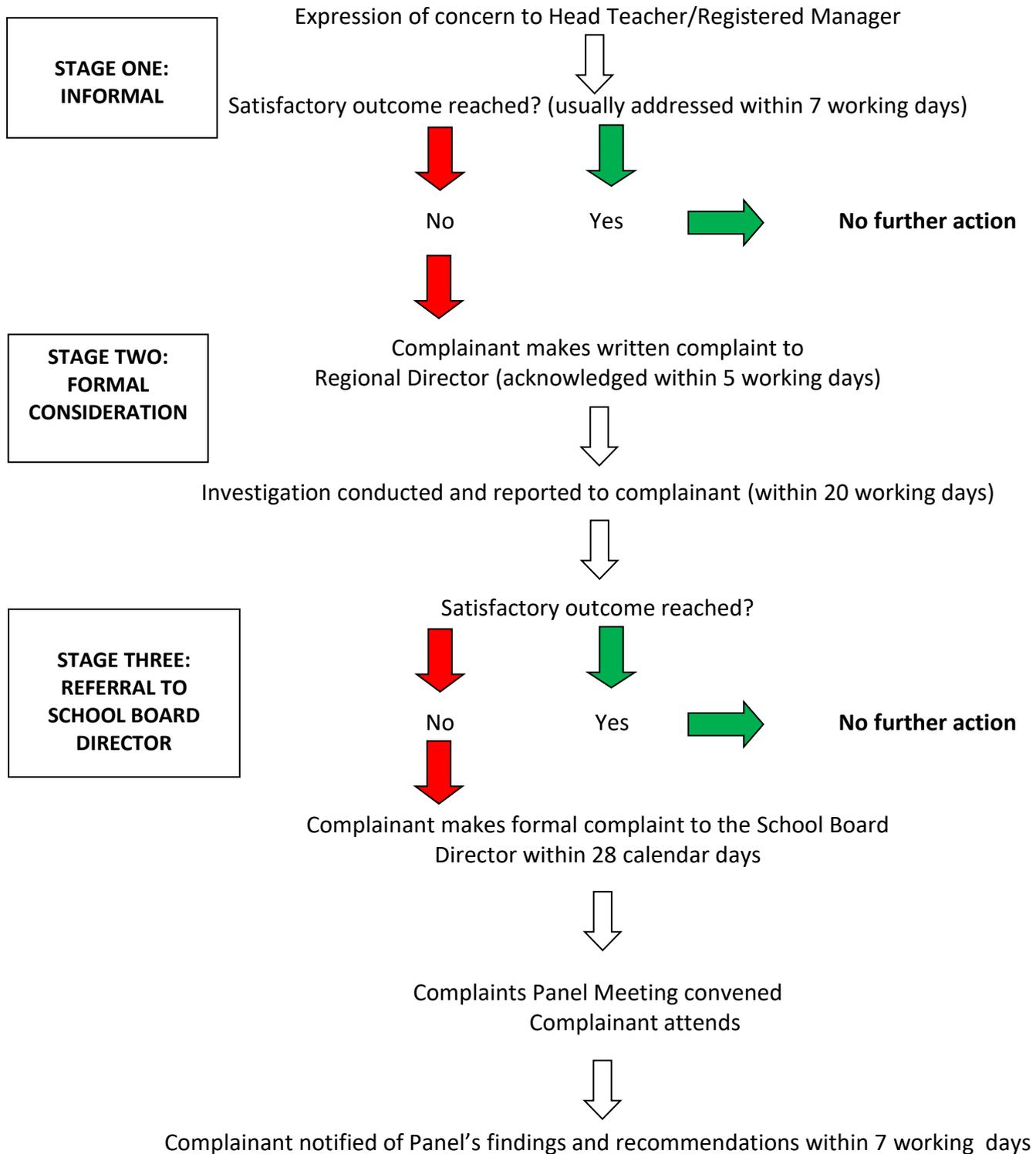
All staff will receive training during induction and then subsequently on an annual basis exploring a range of issues including what constitutes a complaint, how to respond to a complaint, the procedure for dealing with an informal complaint and how this is recorded, the procedure to follow should a complaint not be dealt with promptly by informal means, including who should be notified and the keeping of records, how to complain to someone outside of the establishment and how to support young people in making a complaint.

Further Reading

Safeguarding Policy
Education Act 2002
National Minimum Standards for Residential Schools
Guide to the Children's Homes Regulations including the quality standards
Children's Guide (WG Children's Home)

APPENDIX 1

Flow Chart: Stages for Handling Complaints



APPENDIX 2

Procedure for a Complaints Panel Meeting Dealing with a Formal Complaint

1. The Chair opens the meeting explaining that the purpose of the meeting is to listen to the complaint. The Head Teacher/Registered Manager may be present along with the Complainant (and any accompanying representative) until item 8 of this procedure.
2. There will be a minute taker present to record the meeting in writing. For the purposes of supporting the minute taker, an electronic recording of the conversations may be taken. This recording is only to be used as an "aid memoire" for the minute taker. The recording will be erased once the written minutes are approved by the Chair of the meeting.
3. The Complainant, or their representative, presents his/her case stating the issues clearly.
4. Panel members and any representative of the Placing Authority (if applicable), have an opportunity to ask questions of the Complainant seeking clarification.
5. The Head Teacher/Registered Manager can provide details of how the concerns have been handled and details of any action taken, this may be in person, in writing (summary) or through submission of previous meeting minutes and outcomes
6. The Complainant, or their representative, Panel members and any representative of the Placing Authority may have an opportunity to ask questions of the Head Teacher/Registered Manager.
7. If present The Head Teacher/Registered Manager sums up.
8. The Complainant or their representative sums up.
9. The Head Teacher/Registered Manager (if present) and Complainant leave to allow the complaints panel to consider the concerns, if appropriate.
10. The Chair of the Panel will confirm to the Head Teacher/Registered Manager and Complainant, in writing the Panel's findings and recommendations (usually within 7 working days of the meeting). These will be kept on record for inspection.
11. Written records will be kept of all complaints indicating whether they were resolved at the primary stage, or whether they proceeded to a panel hearing.
12. All correspondence, statements and records of complaints will be kept confidential.