



COMPLAINTS & CONCERNS POLICY

Introduction

Taliesin Education Ltd (t+centres) Complaints procedure is available on our website or via the school office for the parents/carers of students, prospective students at the school and other interested parties.

This guidance is intended to explain how to raise a concern or make a complaint about some aspect of school life.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. t+centres takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the formal procedure should be invoked through the stages outlined within our procedure.

It is essential to good management that the students, their parents/carers, staff, volunteers and others involved with t+centres have a clear understanding of the procedures for dealing with any problems which may arise within the school. Although the policies for parents/carers/concerned adults and students must be compatible, there are some essential differences. These result mainly from the fact that parents/carers and other adults may be some distance from school at the time a concern arises. It is recognised that the process of dealing with complaints should inform our practice and assist us in improving the quality of service we provide.

This policy document outlines the procedures and levels of responsibility which operate when a complaint is made. Detailed guidance to parents/carers is contained in the handbook they receive when their son/ward starts and is explained to the students by school staff or tutors during their induction. All students are provided with a leaflet which condenses and explains simply the complaints procedures.

Details of how to complain are available to all concerned adults from the school office and on our website, with a concerns/complaints form at the end of the policy.

t+centres recognises the rights of all parties, including the company itself, to involve external agencies in details with their complaints.

Concerns

A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

Parents and carers are encouraged to raise concerns about school life informally. The school is keen to know of concerns about children and about the educational and other services we provide. If you have a concern you are encouraged to speak to staff in person or by telephone.

Staff may be able to deal with the issue straight away, informing the Head of Centre, investigating and responding as soon as possible. Alternatively, they may make an appointment for you, for example with a tutor, subject teacher or the Head of Centre (stage 1).

If the problem has arisen outside of school hours, a member of staff will attempt to provide support, answer the concern and inform the Head of Centre of the concern.

Most issues can be dealt with as concerns. The school is keen to work in partnership with parents/carers. If the response to a concern is not satisfactory to the concerned party, they will be advised to access the formal complaints procedure.

Complaints

A complaint may be generally defined as *'an expression of dissatisfaction however made, by one or more people about the School's action, lack of action or about the standard of service'*.

A complaint is much more serious than a concern. It may be that something has gone badly wrong or you feel that the school is not carrying out its legal duties, or that your earlier concerns have not been dealt with appropriately.

The definition of a complaint is sufficiently broad to cover most complaints such as:

- Failure to provide a service
- Unreasonable delays in the provision of service
- Failure to provide adequate standards of service
- Failure to fulfil statutory responsibilities
- An employee's attitude or behaviour
- Staff not following policy or procedure during an incident

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Complaints from parents/carers of students registered at t+centres

Formal complaints should be made in writing to the Head of Centre (stage 2) who will use the County model school complaints procedure. This may result in informal discussions. Alternatively, or in addition, it may lead to a formal investigation and report, dealt with by the Head of Centre.

At any stage of a complaint, parents/carers may bring along a friend or representative to provide them with additional support.

If parents/carers are not happy with the way the Head of Centre has dealt with a complaint, the next step (stage 3) is to complain in writing to the Governors. The governing body may need to have a special complaints panel of at least 3 people who were not directly involved in the matters to discuss the complaint. If parents/carers believe that the school's governing body has acted unreasonably, parents/carers can complain to the Secretary of State in the Department of Education:

Governing Body:

Mr. Mark Ambrose
Safeguarding, Curriculum, and Health and Safety
mark.ambrose@tpluscentres.co.uk
07710 008 273

Ms. Debbie Jayne
Human Resources, Curriculum
Debbie.jayne@tpluscentres.co.uk
07786 223 289

The Secretary of State
Department of Education
Sanctuary Buildings
Great Smith Street
LONDON SW1P 3BT
0370 000 2288

Department of Education website: www.gov.uk/government/organisations/department-for-education

Note: The Department of Education do not usually investigate concerns if the child no longer attends the school where the incident took place.

Complaints from students

The complaints procedure is not an alternative to the school's normal disciplinary processes or the procedures for managing and recording incidents. Where a student is unhappy with the outcome of a disciplinary action, this could form the basis of a complaint.

It is recognised that for students placed away from home, what may appear to others to be quite small issues may, to them, be extremely important and serious. With this in mind, the policy covers both formal and informal procedures in a similar way to complaints from parent/carers or other concerned adults.

It is the school's policy to encourage all students to raise worries and concerns with a member of staff of their choice at an early stage, in an attempt to resolve their concerns

quickly and effectively. This will accord with the school climate of care and concern for all members of the community. The member of staff will attempt to support and answer the concerns.

If it is impossible for the member of staff to resolve the concern immediately; the Head of Centre will provide support and guidance to resolve it. Should a student feel the response to a concern is not satisfactory, they will be advised to access the formal complaints procedure with assistance from staff.

Formal complaints should be made with assistance from staff to record the complaint on the relevant form in the same way as concerned parents/carers/other adults (stage 2). The Head of Centre will use the County model school complaints procedure. This may result in informal discussions. Alternatively, or in addition, it may lead to a formal investigation and report, dealt with by the Head of Centre.

All students have the right to make a complaint directly to the Head of Centre, should they so wish.

t+centres' complaints procedure

Parents/carers and other concerned adults

It is the school's policy to encourage all parties to raise concerns at an early stage, initially in an informal way, it being natural for the welfare and well being of a child who is placed away from home to be paramount as well as for those who live locally. With this in mind, the policy covers both formal and informal procedures.

All complaints that are received will be recorded in the school and, if they are in writing, acknowledged within five working days. The procedure followed by the school is as follows:

Step 1 (Informal Concerns)

- All involved parties are encouraged to contact a member of the school staff as soon as they have any worries or concerns. This contact will normally be made by telephone to a member of staff if the problem has arisen outside of school hours; he or she will attempt to provide support, answer the concern and inform the Head of Centre of the concern.
- If it is impossible to answer the concern immediately, the staff will inform the Head of Centre, investigate the matter and return the call as soon as possible.
- There is no suggested time-scale for resolution at Step 1, given the importance of dialogue through informal discussion. However, if the discussion seems unlikely to resolve matters, is not satisfactory to the concerned party, or if the complaint needs to be taken forward against a member of staff, then proceed to Step 2, the formal complaints procedure.

Step 2 (Formal Complaints)

Where it has not been possible to resolve a complaint by way of informal discussion and/or where the complaint involves a member of staff, the complaint should be set out in writing outlining:

- The precise nature of the complaint – specifying dates, times, etc.

If the complaint involves an allegation of a potentially serious criminal nature, the Head of Centre will immediately inform the Secretary of State in the Department of Education, so that it can be recorded and the school advised about further action.

A member of staff who is the subject of the complaint would normally be advised of the situation as soon as possible, although if the complaint involves a Child Protection issue, the Child Protection Investigation arrangements will take priority and come into force involving the Social Services and Police.

If the complaint is about a matter which is subject to a specific procedure, as mentioned earlier in this document, then this must be followed. If it is a general matter, the Head of Centre may be able to respond immediately, e.g. if it is about an explanation of school policy.

For most complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Head of Centre or nominee will normally undertake this.

When Senior Managers need to address a member of staff as a result of a complaint, they must do so in a courteous and professional manner; there must be no bias or judgement or pre-decided opinions acted upon.

The following guidelines represent good practice for the investigation when the complaint is about the conduct of a member of staff:

- If, at any time during the investigation, there is a *prima facie* case for disciplinary action, the school's Disciplinary Procedure must be followed and no further action taken under the Complaints Procedure. This also applies where Child Protection procedures are being followed.
- It may be advisable to meet with the complainant before the investigation in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- If a formal investigation is required, then the school will adhere to the following principles:
 - If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their Trade Union or Professional Association for advice and support.
 - The member of staff will be advised that a 'friend' or Trades Union representative may accompany him/her at any subsequent interview or hearing.
 - The complaint will be treated as an allegation only, during the investigation stage.
 - The Head of Centre will invite all parties (including witnesses) to provide written statements as part of the investigation.

- When the Head of Centre is the subject of a complaint, the complaint will be investigated by the Principal (if applicable; if not a member of the Senior Leadership Team, or the Governors).

Should the Principal or Governors deem it appropriate, they may refer the complaint to the Secretary of State, Department of Education.

Investigations at Step 2 should normally be completed within 20 school days of receipt of the complaint, unless there are exceptional circumstances, such as in the case of a Child Protection Investigation, or where the Staff Disciplinary Procedure is involved. As good practice, a formal response will be sent within five school days of the completion of the investigation, giving a target of five school weeks for the completion of Step 2.

In the letter conveying the outcome, the complainant should be informed of the process for referral to the Head of Centre or Chair of Governors if they wish to take their complaint further. If the Staff Disciplinary Procedures or Child Protection procedures have to be invoked then they take precedence and the complainant notified.

Should the matter not be resolved within Step 2, the complainant may consider proceeding to Step 3 below. The onus is on the complainant to make this decision, within a reasonable timescale (two school weeks), although the Head of Centre may feel that to proceed to Stage 3 is the best course of action, depending on the circumstances.

Step 3

In all cases where the Principal is unable to resolve a complaint to the satisfaction of the complainant, the matter will need to be considered by the Governors.

Complaints about the Principal or a Governor will also be referred directly by Local Authority Designated Officer (LADO). The LADO should acknowledge the written complaint in writing within 10 school days. The letter may include brief details of the terms of the investigation and the role of the governors in resolving the complaint.

Step 4

The Governors will then decide how best to consider the complaint. Individual Governors have no powers to investigate a complaint outside the complaints process. Therefore, a panel of at least three people who were not directly involved in the matters detailed in the complaint must be given the task of checking over the facts of the case and, if necessary, meeting with the complainant in order to reach an appropriate solution.

Where there is a panel hearing of a complaint, one person will be independent to the appointment of the management and running of the school. The Head of Centre will be responsible for the appointment of the panel.

Any further investigation will be undertaken in accordance with the principles outlined in Step 2 above, although, given that an investigation will already have taken place and evidence gathered, it may not need to be as thorough.

Following the investigation, there will normally be two options available:

- The investigating panel may be able to take the appropriate action necessary to resolve the complaint (if they have been so delegated). If no action is proposed, they will report to the Governing Body.
- The Governors may decide to review judgements made so far and report to the complainant that all investigative measures have been exhausted.

The decision of the Governors' panel will be communicated in writing to the complainant within five working days of the meeting. The decision is confidential to the complainant and to the Governors' panel.

When the complaint is about an action of the Principal or Head of Centre, an investigation will take place. This investigation should normally be completed within three weeks of the receipt of a Stage 3 complaint and will be conducted by the Governors.

Step 5

Complainants can request a review by the Local Authority of the procedures where they feel that the complaint has not been investigated fairly by the governing body. Although this request will be exercised rarely, it should be remembered that the LA retains the responsibility of ensuring that the Governors have acted properly in the exercise of their functions. Complaints received will be recorded and the delegated person responsible will inform the Governors that a complaint has been received. Serious complaints can be passed to the Secretary of State if necessary (see below).

Step 6

Finally, complainants have a right of appeal to the Secretary of State in the Department of Education under Section 29 of the 2002 Education Act. In such cases, the Department of Education will examine the complaint and adjudicate. The Department of Education has the power to require the Local Authority to take certain actions, including the issuing of instructions to the school Governing Body.

It should be pointed out that members of staff also have the same right of appeal.

If a complainant feels that there has been mal-administration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree.

PLEASE NOTE: Anonymous complaints, unless a safeguarding matter, will not be investigated.

Records and confidentiality

All complaints dealt with by the school will be entered onto a uniquely numbered complaints form, which will be filed in the complaints register and securely stored in the school office.

The complaints register will record the unique number from the complaints form for cross-referencing purposes and details from the form will be entered into the register.

All complaints are to be treated as confidential and information regarding complaints will only be passed to those professionally involved, on the basis of their need to know for professional reasons.

Monitoring and Review

The Head of Centre will review and sign all complaint reports.

The Head of Centre will submit a report on complaints to the Principal/Governors on a regular basis, at least weekly or preferably as they arise.

External agencies

All parties have the right to make complaints to external agencies that have responsibility for students or for monitoring the work of the school.

The guidance on the complaints procedure provides advice to all parties of those agencies external to the school to whom complaints can be made.

Complaints and child protection

Where a complaint is found to be a Child Protection matter, the Child Protection Procedures take precedence over the Complaint's Procedure.

Confidentiality and legal requirements

Any personal data provided to the school will be processed in accordance with the Data Protection Act 1998. It will be held by Taliesin Education Ltd (t+centres) and used to respond to your communication and improve our services.

We are compliant with GDPR.

Unreasonable complainants

t+centres is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

t+centres defines unreasonable complainants as: *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Head of Centre or Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of Centre will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact t+centres causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after a fixed period.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from t+centres.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent/carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head of Centre or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. Schools should always give the parent/carer the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head of Centre or Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

The role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to Local Authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However,

the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the **National Helpline on 0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

**Department for Education, School Complaints Unit
2nd Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD**

Communicating the policy

Any changes to this policy will be communicated throughout the organisation using appropriate communication channels.

History and implementation of this Complaints & Concerns Policy:

First approved:	2006
Accepted by SLT in this format:	November 2017
Approved by t+centres Governors:	May 2018
Last revised:	November 2018
To be reviewed:	November 2019

SLT, all staff and governors have read, discussed and contributed to this policy.
The Head of Centre will be responsible for ensuring all staff are briefed on the regulations and practice outlined in this policy.

Roles and Responsibilities

The Complainant

The complainant (person who makes the complaint) will receive a more effective response to the complaint if he/she:

- Co-operates with the school in seeking a solution to the complaint;
- Expresses the complaint in full as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Head of Centre)

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure;
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with staff members, Head of Centre, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding sharing third party information and additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- 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;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- Effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;

- Identifying solutions and recommending courses of action to resolve problems;
- Being mindful of the timescales to respond; and
- Responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- Conduct interviews with an open mind and be prepared to persist in the questioning;
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate the minutes of the panel hearing;
- Notify all parties of the panel's decision;
- Liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- Liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- Many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent/carer is the complainant, the panel should give the parent/carer the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent/carer should be advised however that agreement might not always be possible if the parent/carer wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Taliesin Education Ltd (t+centres) Complaints Form

**Please complete this form and return to the Head of Centre/Principal,
who will acknowledge receipt and explain what action will be taken.**

Your Name:

Students Name (If relevant to your complaint):

Your relationship to the Student/School (e.g. parent/guardian of pupil on school roll):

Address:

Daytime Telephone Number:

Evening Telephone Number:

Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated:

What action, if any, have you already taken to try to resolve your complaint? (Who did you speak or write to and what was the outcome?)

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

Are you attaching any paperwork or continuation sheets? If yes, please give details:

Print Name:

Signature:

Date:

Official Use Only

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

Complaint URN: