



Specialist Education Support Network

Complaints Procedure

Policy Issued – September 2020

Police review date – September 2021

Introduction

This document meets the requirements of section 29 of the Education Act 2002, which states that education providers must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

It is in everyone's interests to resolve complaints efficiently as possible with a clear and concise procedure. The complaints procedure should follow the same process if the complaint is made by a parent or anybody else.

All members of staff should be fully aware of the complaints procedure and be able to provide parents and others with information about how to make a formal complaint

Anonymous complaints will be assessed and a decision made about whether to progress.

Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

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

SESN will resolve concerns through day-to-day communication as far as possible.

A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

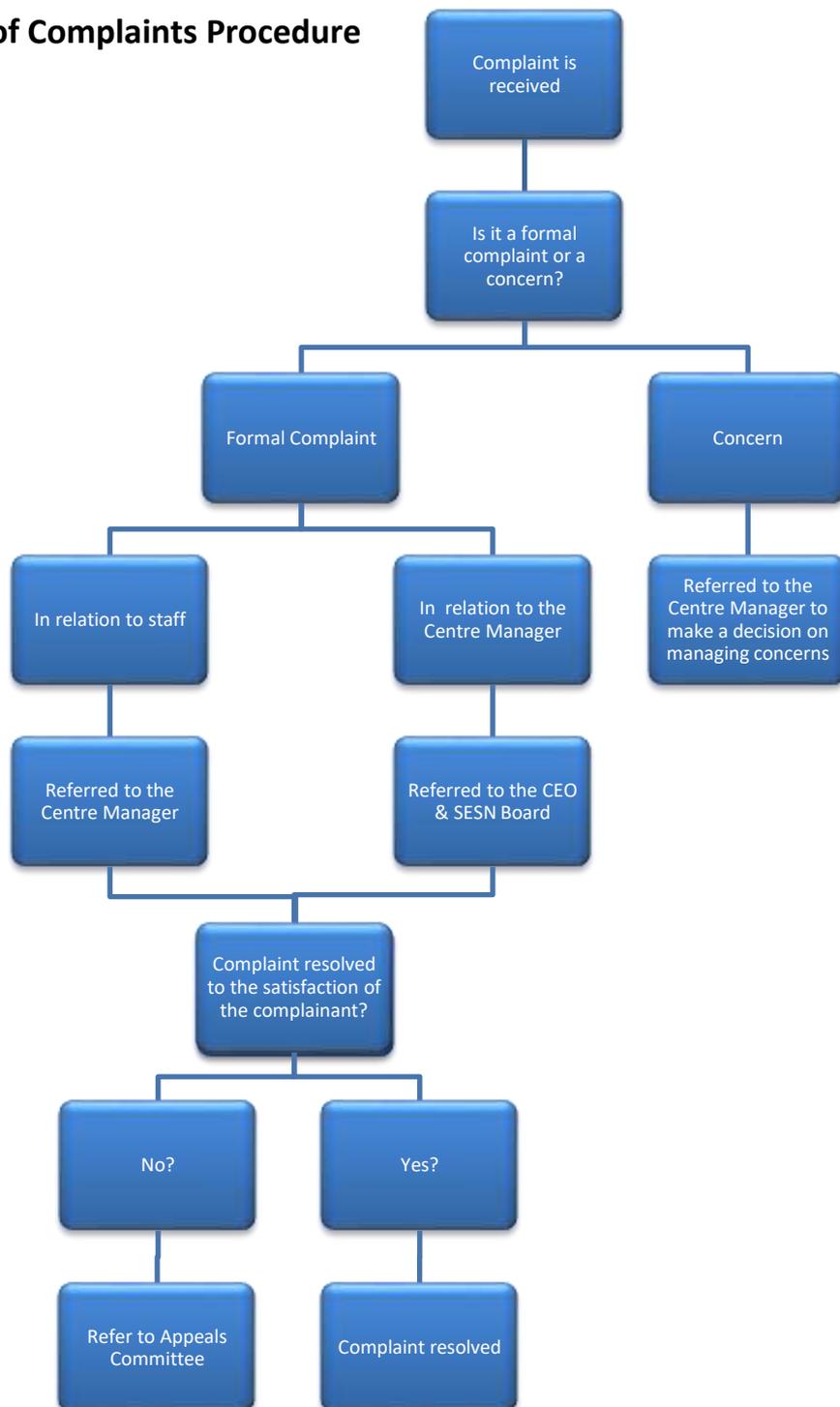
SESN intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Structure of Complaints Procedure



Informal Complaints or concerns

SESN will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Centre Manager, in person or by letter, telephone or email. If the complainant is unclear who to

contact or how to contact them, they should contact the main office. SESN must attempt to resolve any informal complaints or concerns in a timely manner and on an informal basis. By responding to informal complaints in a timely manner will prevent additional complaints or the developments of formal complaints.

In the incidences where a parent/complainant makes a complaint, the Centre Manager must establish whether the parent/complainant is looking for a prompt resolution or whether they want their complaint investigating and responding formally. The informal stage will involve a meeting between the complainant and the Centre Manager.

Formal Complaints

Where a formal complaint is made it should be made clear that complaints are taken seriously and will be dealt with promptly with a full investigation.

A complaint must be made in writing or via email so records of the complaint can be held. Where a complaint is made over the phone, the complainant should be informed of the complaints procedure and be informed that they are required to complain in writing for the complaint to be actioned.

The letter/email should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

Complaints procedure

- The complainant must submit their complaint in writing to the Centre Manager with as much detail as possible to allow for a prompt and effective investigation
- The complainant will receive notification within **5 working days** that their complaint has been acknowledged and who will be managing the complaint
- The complaint will be expected to take no longer than **10 working days**. The member of staff managing the complaint will then respond to the complainant by sending a report with the Centre Manager's decision along with an invitation to discuss their report. In cases where a further investigation needs to take place the complainant will be informed with a further deadline.
- In incidences where the complainant is not satisfied with the decision, they have the opportunity to appeal to the Appeals Committee.
- The Appeals Committee will meet within 10 working days and a decision will be sent in writing to the complainant the next working day. The decision of the Complaints Appeal Committee is final.
- Where a complaint is made towards the Centre Manager, the CEO will open an investigation

Complaints against the Centre Manager or a Board Member

Please refer to the Structure of the Complaints Procedure outlined on page 2.

Complaints made against the Centre Manager are directed to the CEO and Board Member.

Where a complaint is against a Board Member, it should be made in writing to the CEO and vice versa.

Complaint Arrangements

The member of staff dealing with the complaint should:

- Make a clear, concise record of information
 - The nature of the complaint
 - Who is involved, including witnesses
 - What happened
 - Location
 - Times
- Interview, where necessary, those that have been complained about, allowing them to be accompanied if they wish
- The Centre Manager will produce a report containing findings on the complaint and it is up to them to determine whether the complaint is upheld or whether there is no substance to the complaint
- Where a complaint is upheld the following must be put forward to the complainant where appropriate:
 - Offer an apology and an explanation as to what went wrong
 - An acknowledgement that the situation could have been handled differently
 - Take steps to remedy the situation if appropriate
 - Action any issues to prevent the problem reoccurring
 - Review and amend any relevant policies if necessary

Appeals Procedure

Where a parent or the complainant is not satisfied by the response to the complaint they must be informed that they can make an appeal to the Appeals Committee who will consist of a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint.

Where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school.

The Appeals Committee are intended to satisfy the complainant that the complaint was taken seriously whether they are resolved following a formal procedure, or proceed to a panel hearing;

and action taken by the school as a result of those complaints (regardless of whether they are upheld).

A parent will be allowed to attend and be accompanied at a panel hearing if they wish.

The Complaints Appeals Committee will be represented by the CEO and Board Member and will include a HR representative (unless any of the appeals committee were directly involved in the matters detailed in the complaint). This process excludes the Centre Manager.

Decision of the Complaints Appeals Committee

The decision of the Complaints Appeals Committee will be:

- That the complaint was managed and investigated correctly; or
- That the complaint was *not* managed and investigated correctly

They will then:

- Uphold the decision of the complaint
- Uphold the decision of the complaint in part
- Judge that the decision of the complaint was not a correct application of the complaints procedure.

The Committee will then:

- Consider the appropriate action to be taken to resolve the complaint
- Consider the best response to the complainant

Where a complainant continues to be unsatisfied by the outcome and continues with the complaint the Committee will write to the complainant and explain that the matter has been through the appeals procedure and that it is now closed.

A copy of the findings and recommendations are provided to the complainant and, where relevant, the person complained about, and available for inspection on the school premises by the proprietor and the Centre Manager.

Record-keeping

SESN will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where:

- The secretary of state (or someone acting on their behalf) conduct an inspection under section 109 of the 2008 Act who request access to them.
- The complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

Monitoring arrangements

The Board and CEO will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governor will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Centre Manager.

Approved by

Signed: 

Name: Richard Bell

CEO