

COMPLAINTS & REPRESENTATION PROCEDURE

POLICY NO. 40

The School is open to receiving comments, suggestions, concerns and complaints about any aspect of its work. The College of Staff will do everything within its power to attend to all such representations, and resolve the issue to the satisfaction of the parties concerned.

- a. Complaints may be received from children, parents, outside agencies or others, or persons acting on behalf of a child, providing they have obtained the child's consent. Members of staff may help a child to make a complaint, but if they have a concern on their own account, they must use the grievance procedure.
- b. They may be made against any member of staff, or child.
- c. They may be about matters relating to the care or education of the children.
- d. They may be about other matters relating to the affairs of the School.
- e. Any person who is the subject of a formal complaint, including the Education and Care Co-ordinator or the person in charge of the school at that time, is prohibited from taking any responsibility for the consideration of, or response to, that complaint.
- f. Complaints against the Education and Care Co-ordinator, or the person in charge of the school at that time should in the first instance be handled through the complaints procedure. If the complainant is not satisfied with the outcome of this procedure, then the complaint should be referred forthwith to Ofsted (details of how to contact Ofsted, please refer to the end of the complaints procedure).
- g. Children have the right to access the complaints procedure of their placing authority and the school will facilitate them in so doing.
- h. Children, parents, members of staff and placing agencies have the right to make complaints direct to Ofsted (contact Ofsted, please refer to the end of the complaints procedure).
- i. Staff are responsible for ensuring that issues raised in the complaints procedure that require immediate referral to other procedures, such as Child Protection, are so referred. In the case of Child Protection issues, staff must inform the Child Protection Officer, who will consult with the Assessment Team at the Haywards Heath Social Services office.
- j. The complaints policy will be provided in suitable summary or format to children, parents, placing authorities and to all staff and others working at the school. (Any of whom will be provided with a copy of the full procedure on request).
- k. This procedure is not to be used in respect of disputes concerning exclusions.

1. Concerns

- 1.1 Staff are encouraged to be receptive to all concerns and complaints that are communicated to them. Concerns should be dealt with on a day-to-day basis, by the relevant houseparent, teacher or other staff. Anyone who has a concern is encouraged to take their concerns directly to the person involved. If they feel it would be helpful to them in taking this step

they may ask a person of their choice to accompany them. Individuals working together to resolve their problems offer the best possible way to find real solutions, and in the process builds up trust within the school community.

- 1.2 In the case of parents and others, who, for whatever reasons, feel unable to follow one of these routes outlined above, the issue should be taken to the relevant Co-ordinator.

If such an approach has been tried and failed, or the person with the concern so wishes, the issue should be taken to the relevant Co-ordinator.

In both cases, the Co-ordinator will involve all relevant members of staff in seeking a resolution where possible, including a meeting between the parties, to the satisfaction of all those concerned.

- 1.3 This stage should normally take no longer than five working days.
- 1.4 If concern is regarding one of the co-ordinators, then the other co-ordinator or the Proprietor should deal with the issue.

2. **Formal Complaints**

- 2.1 If for any reason it is not possible to resolve a complaint in the informal manner outlined above or if the complainant is not satisfied with the proposed resolution, then it becomes a formal complaint.
- 2.2 The complainant is encouraged to present their concerns in writing to the relevant Co-ordinator. The Co-ordinator will ensure that the complaint is formally recorded in the Complaints Book; where a written record will be made and kept of the person making the complaint, date of the complaint, nature of the complaint, action taken and outcome of the complaint. College will also be informed and will delegate three of its members (one of whom will normally be the relevant Co-ordinator) to formally investigate the complaint. All members of staff will be expected to co-operate with any such investigation. All parties including parents may bring a friend or representative to any meeting.
- 2.3 The investigating group will prepare a written report, to include the following:-
- the complainant and the nature of their complaint
 - the circumstances that led to the complaint being made
 - statements from all the parties involved
 - any independent advice relevant to the complaint
 - conclusions and recommendations on resolving the complaint
- 2.4 The group's report will be presented to the College within 10 working days from the date when their investigation was initiated. The College will decide on the action to be taken.
- 2.5 The parties making the complaint will receive copies of the group's report and the decision of the College within 15 working days from the date when the formal investigation began.
- 2.6 The Group will keep all parties informed about the progress of the complaints throughout the complaints procedure.
- 2.7 It is hoped that all complaints can be resolved to the satisfaction of the parties concerned by following the procedures outlined above. If the

complainant expresses 'lack of satisfaction' with the Group's report or the College's decision, then in accordance with the Education (Independent School Standards)(England) Regulations 2010, the complaint should be heard by a panel of three, by or on behalf of the proprietor, one of whom should be independent of the management and day-to-day running of the school. The panel of three should not have been directly involved in the matters detailed in the complaint. The Regulation 33 Visitor is considered to be a suitable person to fulfil the independent role. None of the panel members should have been previously been involved in investigating or hearing the complaint. The acceptability of the panel, whose ruling will be final, should be confirmed in writing in advance with all parties to ensure informed consent to the procedure. All parties including parents may bring a friend or representative to this panel hearing.

- 2.8 The panel will make findings and recommendations which will be sent by electronic mail or otherwise given to the complainant and where relevant, the person complained about. The findings and recommendations will be available for inspection on the school premises by the proprietor and the Education and Care Co-ordinator.

3. **Written Records**

A written record will be kept of all formal complaints, noting whether they have been resolved at the preliminary stage or proceed to a panel hearing.

- 3.1 All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.
- 3.2 This complaints procedure complies with Standard 4 of the National Minimum Standards for Residential Special Schools.
- 3.3 Pupils wishing to make a complaint to their Local Authority via the Local Authority complaints procedure will be provided with adequate information to do so by the Education or Care Co-ordinator and will be informed of their right to do so.

Helping Children use a Complaints Procedure

- 4 Some children attending Philpots will be able to follow a complaints procedure. Many will not. In these cases staff are asked to take account of the maturity and communication abilities of the child. Many of our children require substantial help in directing any complaint through the appropriate channels. A few would be incapable even of recognising that they have a grievance. In these cases, staff have a special responsibility to initiate action on behalf of the child and/or support them in accessing the complaints procedure in a form that is suitable to them.

If this was a Child Protection issue, it would not go through the complaints procedure, but would go through the Child Protection procedure.

No person making a complaint will be subject to reprisals by any member of school staff.

ADVICE TO CHILDREN

If you think you have been treated unfairly:

- Tell your houseparent or teacher. If you feel you can't, or if you're not happy with the answer
- Tell your **named person**. You have to choose an adult you can trust.

Your named person is _____

If you are not happy with their answer:

- You can make a formal complaint to the Co-ordinator. The Education Co-ordinator is Mrs Churnside and the Care Co-ordinator is Mr Duncan.
- They have to write your complaint in a book.
- They have to find out about the complaint, write what they do about it and **tell you**.
- **You must have an answer in two weeks.** This might seem a long time, but other people have a right to be treated fairly too.

If you are not happy with *that* answer:

- You can say why and ask for the College of Staff to talk about it. This must be written down as well. You are **not** "making trouble". You are using your **rights**.
- **You must have an answer in one week.**

If you are still not happy:

You have the right to contact the people who make sure that Philpots is doing things properly. They are:

Ofsted:

Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

You can ask an adult to help you write a letter or you can phone: 08456 404040

Other people to talk to:

You may also contact:

- Garry Norwood – designated person for Child Protection
(Care Co-ordinator, extn: 226)
- Linda Churnside – deputy designated person for Child Protection
(Education Co-ordinator, extn: 253)
- Beatriz Unda – deputy designated person for Child Protection
(Teacher, extn: 262)
- Rick Daultry – deputy designated person for Child Protection
(Senior Houseparent, extn: 237)
- Jill Allen – Regulation 33 visitor: 01903 815224/07805 138498
- Local Children & Young People's Social Care:
 - 01243 642 555 Office Hours 9am – 5pm
 - 01903 694 422 Out of Hours 5pm – 9am

- Childline: 0800 1111
- NSPCC Helpline: 0808 800 5000
- Ofsted: 0300 123 4666
- Dr Maggie Atkinson – Children's Right's Commissioner:
 - Tel: 020 7783 8330
 - Fax: 020 7931 7544
 - Email: info.request@childrenscommissioner.gsi.gov.uk