



Underley Garden

Complaints Procedure

Created:	September 2011
Reviewed:	September 2017
To be reviewed:	September 2018

IN RESPONSE TO :

- Cumbria Safeguarding Children Procedures 2011
- The Protection of Children Act 1999: A Practical Guide to the Act for all Organisations
- The Children's Homes Regulations Quality Standards 2015
- Care Quality Standards 2015
- Children Act 1989 Guidance and Regulations Volume 5: Children's Homes
- Assessing Risk in Child Protection (1998). Cleaver, H., Wattam, C. and Cawson, P. London
- NSPCC. Cm 5730 (2003)
- Safeguarding Children in Education. Department for Education and Skills (2004a). London:
- Working with Children, DfES September 2005
- Working Together to Safeguard Children 2015
- Promote the welfare of children, HM Government 2010
- Keeping Children Safe in Education September 2016
- Independent School Standards 2014

Introduction

At Underley Garden we take complaints seriously. We view them as an important way of improving what we do. Our complaints policy and procedures are clear, user friendly and readily accessible to all stakeholders, including those with disabilities. It is important to the organisation that Young People, staff, parents, carers, referring authorities and other agencies are genuinely able to raise concerns and make suggestions for changes and improvements. We are committed to listening when Young People and stakeholders have something to say about the services we offer.

1. Key Statements

- 1.1 We are committed to delivering the best possible care and education to the young people in our care. All staff are accountable to the young people, their parents, carers, placing authorities and the local community in delivering services of the highest standard.
- 1.2 All complaints will be treated confidentially except where this would put a young person at risk. Every Young Persons safety, welfare and well-being always remains our first concern.
- 1.3 All complaints concerning Child Abuse or Allegations of Professional Abuse are brought to the attention of the Cumbria Children Services, LADO and the Referring Authority IMMEDIATELY.

2. Principles of the complaints procedure

Our Complaints Procedure:

- Encourages resolution of problems by informal means wherever possible
- Is easily accessible and publicised
- Is easy to understand and use
- Is impartial

- Is non-adversarial
- Allows swift handling with established time-limits for action and keeping people informed of the progress
- Ensures a full and fair investigation by an independent person where necessary
- Respects people's desire for confidentiality
- Addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- Provide clear information on what to do if people are unhappy with the response
- Provides information to the school so that services and standards can be improved.
- Follows the organisations policy on child protection and allegations of professional abuse, where appropriate

3. What is a complaint?

3.1 Our definition of a complaint is any expression of dissatisfaction about our actions that needs a response. A complaint may arise, for example, if a person thinks that we have:

- Done something wrong
- Failed to do something we should have done
- Acted unfairly or improperly

3.2 Types of complaint might include:

- Complaint by a parent/carer/external agency or individual about a member of staff
- Complaint by a parent/carer/ external agency or individual about a young person
- Complaint by a young person about another young person
- Complaint by a young person about a member of staff
- Complaint by a member of staff about a colleague

4. Publicising the Procedure

4.1 All new young people, their parents, carers and new staff are informed of the Complaints Policy and Procedures as part of the induction process. The organisation also includes reference to the procedure in the:

- School prospectus
- Young Person's Guide
- Statement of Purpose
- Information given to young people
- Information given to new parents/carers and referring authorities
- A specific complaints leaflet which includes a form on which a complaint can be made
- Posters displayed in areas of the school that will be used by the public
- the school website.

5. Raising concerns and making complaints about Organisation

5.1 Our complaints procedure covers informal and formal complaints about our work and working practice.

6. What to do if you want to complain

Education

April Boyd, Complaints coordinator, Underley Garden School, Kirkby Lonsdale, Carnforth, LA6 2DZ

Telephone: 015242 71569

Email: april.boyd@underleygarden.org

Care

Chris Kirkbride, Complaints coordinator, Underley Garden School (Children's Homes), Kirkby Lonsdale, Carnforth, LA6 2DZ

Telephone: 015242 71569

Email: chris.kirkbride@underleygarden.org

You can also complete a Complaints Form (sample included as Appendix 1)

6.2 If the complaint is against the Complaints Co-ordinator the complainant should ask to speak with the Principal. If the complaint is against the Principal the complainant should speak with an officer from Acorn Care and Education who is;

Graham McEwan, Chair of Governors 01204 558038.

Young people may choose to use an Independent Listener to support them through the complaints process. The school does not wish to receive anonymous complaints and will not undertake to act on any information received in this way.

7. What will happen when I make a complaint?

When you make a complaint care will be taken to:

- Clarify the nature of the complaint
- Clarify the outcomes sought
- Check whether you requires support of any kind, for example with language difficulties
- Explain the complaints procedure
- Clarify that no person who is subject of a complaint takes any part in its consideration other than, if the complaints coordinator considers it appropriate, at the informal resolution stage only

The organisation keeps a record of all complaints, formal and informal.

8. Investigating complaints

At each stage, the person investigating the complaint will:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of any meetings/conversations.

At each stage in the procedure the Complaints Co-ordinator will keep in mind ways in which a complaint can be resolved. It may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint
- When involving a Young Person, promotion of access to an independent listener advocate, children's rights worker or the Young person's IRO.

9. Sorting out concerns informally

We encourage everyone who has concerns to raise them as soon as possible so that we can deal with them quickly. The complaints co-ordinator will listen to your concerns, check what action has already been taken to try to deal with them and, where necessary, ask questions to make sure they clearly understand your concerns and the action you want us to take. If necessary, they will then contact those best placed to help. If you feel that the matter has not been sorted out satisfactorily by informal means you may decide to lodge a formal complaint.

10. Formal complaints procedure

Formal complaints must be made in writing (which includes email). If you make a complaint by phone, we will make a detailed record, but we will not take any formal action until we receive a written complaint. In the event of Young People raising a complaint we will accept this as a written note annotated on their behalf by a worker, parent or carer countersigned by them.

It is important that we have all the information, with all the points you want us to consider, from the start of the process. This will allow us to deal with your complaint more quickly and will reduce the need to ask for more information. You must give the reasons for your complaint clearly, with the main areas of concern set out and supported by examples.

10.1 Stage One

- The Complaints Coordinator will assess your complaint and decide who will be responsible for carrying out the investigation. You will be sent an acknowledgement within five working days of

receiving the complaint. We will also confirm what we will do next and who will be responsible for contacting you again.

- We will send a response, which will aim to answer all of your points of concern, within 20 working days. This will include details of how to ask for further internal and independent review.
- If you are still not satisfied the formal complaints procedure will move to stage two.

10.2 Stage Two

If the person making the complaint is not satisfied with either the outcome or the progress being made, then an appeal may be made in writing to: Julie Taylor, Acorn Care and Education Limited, 1 Merchants Place, River Street, Bolton, BL2 1BX.

If the complaint is from a parent / carer then they can attend and be accompanied to the appeal hearing if they wish.

Acorn Care and Education will convene a Complaints Appeals Panel. This panel will act impartially to ensure that all parties involved in the complaint have the opportunity to present their case. The panel will include:

- A representative of the school who is not involved with the original complaint /complainant
- A representative of Acorn Care and Education
- A person who is independent of the school and Acorn Care and Education

The complaints panel hearing will take place within ten working days of Acorn Care and Education being contacted.

11. The Remit of the Complaints Appeal Panel

11.1 The panel will:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's system or procedures to ensure that problems of a similar nature do not recur
- Follow the Checklist for a Panel Hearing (Copy included in Appendix 2)

11.2 There are several points which any person sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person 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 needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- All members of the panel sitting on the need to be aware of the schools safeguarding policies. A decision of the panel will be given in writing to the person making the complaint within ten working days of the hearing. It will include findings and any recommendations.

12. External Review

Complaints raising serious concerns about the standard of care or education will usually be dealt with by Acorn Care and Education. If we decide that there is a need for an external and impartial view then we will engage the services an experienced person to give their considered view.

If you have made a complaint that has not been resolved satisfactorily, are not satisfied with the way in which your complaint has been handled, or if we have concerns about the conduct of the complainant, then the complaint will be referred to Ofsted who regulate both the school and the children's home.

Contact details are:

enquiries@ofsted.gov.uk

Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

Tel: 0845 6404040

13. Monitoring and Review

The School keeps the volume and nature of complaints received under regular review. Summary information is reported to Acorn Care and Education on a termly basis. Acorn Care and Education monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

The number of complaints registered under formal procedures during the last 12 months, 2015/2016; 0 complaints.

14. Record Keeping

We maintain a complaints register that records all representations or complaints, the action taken to address them and the outcomes. All correspondence, statements and records of complaints are being kept confidential but will be shown to OFSTED on request when they inspect. Copies will also be made available to the Registration Authority on request.

Records of complaints are held confidentially in the school and are kept apart from young person records. These records and any correspondence or statements relating to a complaint will remain confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act 2008, The Education and Inspection Act 2006 and The Childcare Act 2006

Underley Garden Complaint Form

Please complete and return to April Boyd (Education) Christopher Kirkbride (Care), Complaints Co-ordinator/s who will acknowledge receipt and explain what action will be taken.

Your Name:		Date:	
Young Person's Name:			
Your Relationship to young person:			
Your preferred contact details:			
Please give details of your complaint (attach a separate sheet if necessary):			
What action, if any, have you already taken to try and resolve your complaint.			
What actions do you feel might resolve the problem at this stage?			
Are you attaching any paperwork? If so, please give details.			
Signature:		Date:	

For office use only:

Complaint resolved: Yes / No

Date:

Complaint referred to:

Date:

Date acknowledgement sent:

Checklist for a Complaints Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The School / Homes representative may question both the complainant and the witnesses after each has spoken.
- The School / Homes Representative is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the School Representative and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The School / Homes Representative is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Complaints Procedure for Young People

If you are not happy with what we have said to you, how we have treated you or the service you have received.....then tell us about it.

How do I make a complaint?

A complaint can be made by anyone, either in person or someone can act on your behalf for example a Friend or another agency.

No person who is the subject of a complaint takes any part in deciding what will happen other than if the Principal thinks it would help.

You can make a complaint by:

Phoning us on: 015242 71569

Coming to the office, speaking with April Boyd or Christopher Kirkbride directly

- Tell a member of staff what the complaint or problem is
- We will listen to you, write down all the details and take you seriously
- We will try and resolve the problem at this stage
- We will also ask you what you want to happen if it cannot be resolved at this stage and you want to speak to another member of staff, the information will be passed to the Principal and or Acorn Care and Education. They will write to you or phone you to arrange to meet to discuss the problem. At this meeting you can bring a friend adult or advocate with you.
- This could be a person from another agency Children's rights worker, IRO or social worker. During this stage we will continue to provide you with a service, if this is what you want. We will try and resolve the complaint within 2 weeks from the day you first told us. If it is going to take any longer then we will tell this to you.

If you are still not happy with the decision you can approach the children's rights director on or Ofsted directly



Free Phone: **0800 528 0731**



Telephone Number **0300 1231231**