

<b>Category</b>	Communication		
<b>Document Name</b>	Complaints Procedure		
<b>Accountable Body</b>	RADIUS Trust		
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<b>Version</b>	3.2	<b>Next Review Due</b>	Spring 2018

### Related Policies

Name	Reference
Complaints Policy	CO.P1
Communications Policy	CO.P2

### Reference Material

Guidance
Education Reform Act (1988) Section 23
NMS Residential Special Schools, Standard 18 & 20

### Introduction

The Education (Non-Maintained Special School) Regulations 2011 state that there must be a written complaints procedure in operation at the school, which is available on request to learners, families and staff. The regulations set out requirements for the resolution of complaints including an informal and more formal process.

The National Minimum Standards for Residential Special Schools (January 2013) are issued under section 87C (1) of the Children Act 1989 as amended by the Care Standards Act 2000. Standard 18 requires an appropriate policy for responding

There are some types of complaint that are subject to other statutory procedures and are therefore separate from this general complaints procedure:

Complaint by a member of staff	School Grievance Procedure applies. This can be accessed via the school's shared area under procedures.
Exclusion	School Exclusion Policy applies. This can be accessed via Principal's PA.
Admission to school	School Admissions Policy applies.
Child safeguarding	School Safeguarding Policy applies.
Statements of Special Educational Needs / Education Health and Care Plans	Complaints should be directed to the Sponsoring Local Authority and their complaints policy would apply.

These arrangements comply with RADIUS Trust's Complaints Policy and are for complaints about the actions of the School or Governing Body in respect of the quality of school service experienced and related matters as required by the Education Reform Act (1988) Section 23.



This procedure is made accessible to all parties below wishing to raise a complaint:

- Parents/carers: detailed guidance provided in the handbook of information given to all parents.
- Registered pupils on roll: detailed guidance in the form of a leaflet for day and boarding pupils is provided on admission and explained by the key worker/form tutor during the pupil's induction.
- Others (e.g. Local Authority, public, site neighbours, local retailers, service suppliers): this procedure is made publically available via the school's website.

### Complaints Procedure

The complaints procedure consists of the following stages (this excludes complaints against the Headteacher/Principal – see later for details on this process):

Stage	Type	Description	Response Time
<b>1. Key Member of school staff</b>	Stage 1	The school encourages parents/carers to discuss concerns with the pupils'/students' key professional (teacher/key worker) before proceeding to Stage 2.	Within 3 school days
<b>2. Senior Manager</b>	Stage 2	If the response is deemed unsatisfactory, the complainant should request from the School the name and contact details of a senior member of the School Management Team with whom to discuss the matter further.	Within 3 school days
<b>3. Headteacher / Principal</b>	Stage 3	If still not satisfied, the complainant contacts the Headteacher / Principal, for an appointment to discuss the matter verbally or provides details of the complaint in writing. If necessary, the Headteacher/Principal will undertake or appoint a staff member or third party to undertake an investigation and will report back in writing.	Within 10 school days
<b>4. Governing Body Complaints Review Panel</b>	Stage 4	In the event that the complainant remains dissatisfied or if the complaint is against the Headteacher/Principal, a written complaint will be made to the Governing Body via the Chair of Governors. The Chair will convene a Complaints Review Panel, which will review the investigation/findings and, if necessary, will undertake further investigations, before reporting back with findings to the complainant.	Within 15 school days
<b>5. Trust Board Appeal</b>	Stage 5	Following receipt of the Governing Body Complaints Review Panel meeting, if still dissatisfied, the complainant has a right to appeal to the Trust Board. A Trustee appointed by the Chair of the Trust Board, supported by the Trust Charity Office will review the appeal.  (See section below for further information on 'Trust Board Appeals')	Within 10 school days

## **Roles & Responsibilities**

### Headteacher / Principal

Unless the complaint is against the Headteacher/Principal, the Headteacher/Principal will ensure that this procedure is adhered to and communicated to all staff and that all complaints are:

- Administered/supported within the timeframes specified in this procedure;
- treated as confidential;
- recorded and kept secure on a complaints form and register and provided to the Independent Visitor;
- reviewed to avoid reoccurrence of the issue;
- provided via termly reports to the Governing Body for review.

Where a complaint is against the Headteacher/Principal, the School Business Manager will fulfil this role.

### Governing Body (Stage 4)

Upon receipt of a written complaint to the Governing Body, The Chair of Governing Body will first consider whether the complaint has been addressed through Stages 3 of the complaints process. If not, the Chair may decide either to refer the complaint back to the Headteacher/Principal to undertake Stage 3 of the process or to regard the complaint as being dealt with by Stage 4 of the process. If the former, the Chair of Governors or school representative will write to the complainant to explain.

In the event that a complaint does reach Stage 4 or if the complaint is against the Headteacher/Principal, the Chair of Governors will inform both the Headteacher/Principal and School Business Manager (SBM) (or if not available another member of the Senior Management Team) of the intention to establish a Governing Body Complaints Review Panel.

The Complaints Review Panel will comprise a minimum two members of the Governing Body (other than employee governors) to be appointed by the Chair of Governing Body in consultation with the Vice Chair or, if not available, another Charity Governor. The Complaints Review Panel members will themselves select a Chair.

The complainant will receive acknowledgement of receipt of the complaint from the Chair of the Complaints Review Panel or the School Business Manager within five school days of receipt. In communicating with the complainant. The process and timeline will be made clear in the response. The SBM will be contactable by the Complainants during the process for progress updates.

The Complaints Review Panel will meet within 10 school days of receipt of the complaint and conclude its consideration within 15 school days including any required/commissioned investigation activity.

The SBM will facilitate meetings and will provide all relevant information for the panel to review the complaint process and to hear any evidence provided by the school staff, the complainant or others.

If invited to attend a meeting with the Complaints Review Panel, the complainant will be entitled to accompanied by a friend or advocate.

Following the 15<sup>th</sup> day either the Chair of the Complaints Review Panel or the SBM (on behalf of the Governing Body Complaints Review Panel) will communicate the outcome of the Panel consideration to the complainant in writing as well as the appeal process (Stage 5).

### Trust Board (Stage 5)

If the complainant is dissatisfied with Governing Body Complaints Review Panel's findings, the complainant has the right to appeal to the Trust Board. The appeal should be made in writing and addressed to the Chair of the RADIUS Trust Board at the Charity Office.

The Chair of the Trust Board will appoint a Trustee to undertake an appeal review. The Trust Charity Office will support and advise the appointed Trustee undertaking the review.

The appointed Trustee will respond within 10 school days of receipt of the appeal at the Charity Office.

The outcome of the Trust Board appeal will be final.

### **Investigating Complaints**

When investigating Complaint, the person leading the investigation should:

- record the complaint in writing and ensure it is entered in the complaints register;
- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- if unsure of the nature of the complaint or further information is necessary, either arrange to meet with the complainant or contact them by email or phone;
- clarify what the complainant feels would put things right;
- interview those involved in the matter 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 a record of the interview and maintains the complaints register with further details and outcomes.

### **Safeguarding and Child Protection Issues**

Where a complaint is considered to be a Safeguarding & Child Protection concern the Safeguarding & Child Protection Child Protection Policy of the Trust and school procedures take precedence over the Complaints Procedure.

### **Complaints Against the Headteacher / Principal**

In the event that a complaint has been raised against the Headteacher/Principal, the SBM sends a copy of the complaint to Trust Executive at RADIUS Trust Charity Office and the Chair of Governing Body on day of receipt. The process then differs depending on the nature of the complaint.

#### Potential Professional Misconduct

Where a complaint is judged by RADIUS Trust and/or Chair of Governing Body potentially to involve serious professional misconduct by the Headteacher/Principal, the Trust Executive investigates and produces a report distributed to the Trust Board and Chair of Governors. The Trust Executive provides a written response to the complainant within 5 school days.

#### Other Complaints

Where a complaint is judged not to involve serious professional misconduct the Chair of Governing Body or Trust Executive will ask the Headteacher/Principal to contact the complainant to offer:

1. A written response from the Headteacher/Principal within 10 school days, or
2. To meet with the Headteacher/Principal or
3. To meet with another nominated member of staff to discuss the complaint in further detail.

If the complainant is dissatisfied with the outcome, the complainant can escalate the matter to Governing Body as per Stage 4 above.

In each circumstances, there is a right to appeal to the Trust Board as per Stage 5 above.

### **Independent Reviews**

In the event that the complainant would like to discuss the complaint with an independent person or Local Authority, following stage 3 above, the school will make the contact details of the Independent Visitor or pupil's placing LA available.

The complainant and Headteacher/Principal, and where relevant, the person complained about, is to be given a copy of any findings and recommendations.

Further information relating to Independent Visitors is provided in the related procedure – RC.P1.03 Independent Visitor & Standard 20 Assurance Protocol.

### **Records and Confidentiality**

All complaints are entered in the school complaints register with the corresponding number on a complaints form for cross-reference, stored securely. The record is updated throughout the investigation whether they are resolved informally, or process to formal stages.

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 or investigatory reasons.