

The SENAD GROUP

Section 7 Complaints & Representations Policy

Schools and Children's Homes
England and Wales

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This policy is published on SENAD's websites to comply with regulations about access to information for parents¹

¹ Regulation 33b (England) and Regulation 7b (Wales) – Education and for Social Care, Regulation 39(1) England and Regulation 64(1) Wales.

Equality Act 2010

SENAD and its Schools/Homes will make reasonable adjustments to accommodate complainants to ensure they have access to this policy. If a complainant require a modification to this policy to accommodate their specific needs, this should be raised so that the School/Home may make reasonable adjustments. Such changes will be documented.

This policy meets:

Part 7 of the *Education (Independent Schools Standards) Regulations 2014*²

Part 7 of the *Independent Schools Standards Wales Regulations 2003*³

Regulation 39 of *The Children's Homes (England) Regulations 2015*

Regulation 64 *Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017*

Aims

SENAD through its Schools aims to provide a happy, safe and caring environment that will enable the young people to learn and communicate with confidence. This complaint's policy is designed to allow parents (and others) to raise issues of concern/complaint with the School as set out in "*The Education (Independent School Standards) Regulations 2014*" and "*The Independent School Standards Wales Regulations 2003 as amended*".

However there may be times when a young person, their parents/guardians or any other person who comes into contact with the school/home may wish to make a complaint about any aspect of the school or care home. We encourage comments from all, so that we may improve the service we deliver. We acknowledge that complaints do occur and respect those who do complain or comment and we seek to respond in a positive and open manner. There are **no** restrictions on the issues that a student or adult can make a complaint about.

² Regulation 33a (England)

³ Regulation 7a (Wales)

SENAD's schools and their associated children's homes operate within the guidelines set out in the Quality National Minimum Standards for Children's Homes, which promote good practice, and the Independent School Registration Regulations. This policy is the formal written complaints procedure for the School and the Children's home⁴

The policy will be available to young people, parents and any interested person⁵ at individual establishments or through SENAD, head office.

Complaints will be managed within the timeframes set out in this policy in the 5 stages of complaints resolution.

How complaints are received

All complaints by parents/guardians, students or any other person are to be made to a member of the School or Care Home's staff and will be recorded as a concern and passed to a member of the management team (education, care and therapy) for response. **A complainant may contact our regulator Ofsted in England and in Wales, CIW/Estyn, directly at any time if they so wish (see contact numbers later).**

A **central register** is kept in the school and children's home of all complaints made and monitored regularly by the School's Senior Leadership Team.

The Senior Leadership Team decides who is best placed to investigate the complaint without bias.

Any person is entitled to make a complaint about any aspect of the School/Children's Home or their experiences of it. This includes people who are not directly involved with the School/Home (e.g. members of the public). Their complaints or representations should initially be taken by the staff in the School Office or with a School/Home⁶ manager and then they should proceed according to the procedures detailed in the following advice.

Young people may have difficulties with speech, language and communication. Therefore making a complaint may be a difficult task for them to manage themselves. Anyone reviewing a complaint from a young person or advocating on their behalf should take account of these difficulties and employ communication strategies suited to the young person's needs.

When a person needs to register a major complaint or representation, the member staff who has worked with the person or parent making a

⁴ Regulation 33a (England) and Regulation 7b (Wales)

⁵ Regulation 33b (England) and Regulation 7a (Wales)

⁶ Home in this policy means Children's Home registered with Ofsted or in Wales, CIW

complaint will contact a member of the Senior Leadership Team at the earliest opportunity (normally within 24 hours).

The Senior Leadership Team will consider the content of the complaint and decide on action to be taken. Where a complaint involves Child Protection issues then the Child Protection officer who is a member of the Senior Leadership Team will be responsible for informing the Local Safeguarding Board and placing authority, including notifications to Ofsted or Adult Protection Services within 24 hours of receiving the complaint.

When a young person wants to make a minor complaint about any aspect of school/home, this should be dealt with by talking to the key care worker, tutor, Speech & Language Therapist (SLT), Head of Care, or, indeed, any staff member in the school. All staff have a duty of care to the young people, and should be an advocate for the young person.

Examples of (but not limited to) minor complaints are:

- A person is unhappy with the food that s/he has been served
- A person is unhappy with the variety of after-school activities that are offered
- A person feels that the pillows that are offered are too lumpy
- That the classroom is too hot/cold/bright/dark
- The child's bedroom has not been decorated correctly
- The soft play area is not accessible at an agreed time for the young person

If the complaint is of a more serious nature it will be acted upon by a member of the Senior Leadership Team according to the procedures that follow. The person making a complaint also has access to outside advice and this right should be made aware to the person making a complaint by the person they are making the complaint to.

Examples of more prima facie more serious complaints (these which should be referred to the Senior Leadership Team without undue delay) are:

- A student/resident or their representative believes themselves to be the target for bullying by his/her peers
- A student/resident or their representative believes themselves to be the subject of abuse or bullying by any adult (including their home setting)

- A person feels that the content of a lesson or activity in which they were present (or had evidence of) was not fully matched to the need of a student
- A member of staff fails to deliver a promised commitment to a parent/child/external professional

At all stages it must be made clear to the person making a complaint that there will be no reprisals against them as a result of making a complaint.

At all stages complaints should be made in confidential surroundings and the privacy and dignity of the complainant should be protected.

A child, young person who raises a complaint or representation **will not be subject to any criticism or sanction for raising the complaint**⁷.

Where a child's complaint is found to be malicious, this will be addressed with parents and social workers and not through the school/home's consequences policy.

Procedures for resolving complaints and timescales⁸

Complaints and concerns received by staff will be acted upon by that member of staff or passed on to the relevant staff for action. In either case appropriate 'Concern' form (or equivalent) needs to be completed and the complaint recorded in the School/Home complaint book.

There are five (5) possible stages to the complaints procedure as follows:

- 1) Informal stage⁹:** discussion between the complainant and a member of the School's staff. This is may be a minor complaint and one which can be dealt with very quickly by the member of staff concerned. This is typically done within 5 working days.
- 2) Formal stage¹⁰:** if the complainant is not satisfied, he or she can put their complaints in writing to the School or Home manager who will inform the Senior Leadership Team, who will nominate a member of staff to investigate the complaint. **The person will not be the subject of the complaint, unless it is appropriate as determined by the Head Teacher or Registered Manager¹¹.**

⁷ Regulation 39(4) Children's Homes (England) Regulations 2015

⁸ Regulation 33c (England), Regulation 7c (Wales) - education

⁹ Regulation 33d (England), Regulation 7d (Wales) - education

¹⁰ Regulation 33e (England), Regulation 7e (Wales) - education

¹¹ Regulation 39(2) Children's Homes (England) Regulations 2015

Within 10 school days the nominated member of the Senior Leadership Team must either inform the complainant of a decision, or tell the complainant when a decision will be made.

This stage will have included consultation with the person making a complaint.

Once the complaint or representation has been resolved the nominated member of the Senior Leadership Team will write to the person making a complaint, to outline the resolution.

Where a complaint or representation takes longer than 10 school days to resolve, records showing ongoing communication with the person making a complaint should be filed with the original complaint.

3) Reconciliation stage: if the complainant remains dissatisfied, the Head Teacher/Principal must try to resolve the matter. Within 10 school days, the Head Teacher/Principal must either inform the complainant of a decision, or tell the complainant when a decision will be made.

4) Proprietor non-hearing stage: if the complainant remains dissatisfied, the head of establishment will refer the issue to SENAD, the proprietor¹².

A senior manager from SENAD will seek to resolve the complaint within 10 school days, or if this will take longer, inform the complainant when a decision will be made.

If the complaint is not resolved as this stage, then the complainant will be offered a 3-person panel¹³ hearing under stage 5.

The SENAD senior manager may choose to bypass this stage and move straight to a 3-person panel hearing under stage 5.

5) Hearing Panel stage: if the complainants wish the matter to be considered further, a hearing before a panel of at least 3 people who were not directly involved in previous determination of stages 1, 2 or 3 of the complaint will be arranged (regulation 33e). The panel will be held in accordance with Part 7 of the *Education (Independent Schools Standards) Regulations 2014* or *Independent Schools Standards Wales 2003*. To that end:

a) SENAD as the proprietor is responsible for the appointment of the panel (regulation 33f – England, 7f Wales)

¹² Regulation 33f (England)), Regulation 7f (Wales)

¹³ Regulation 33e (England), Regulation 7e (Wales)

- b) One person on the panel will be independent¹⁴ of the management and running of the establishment (that is the school's day-to-day running). Typically SENAD will seek all panel members to be independent of the School/Home. (regulation 33g – England, 7g Wales)
- c) The complainants may attend the panel, and if so wished be accompanied, with all costs for attendance being for the complainant's sole account (regulation 33h – England, 7h Wales). Reasonable adjustments will be made under the expectations of the Equality Act 2010.
- d) The panel's chair will agree typically within 10 school working days of receiving the appeal to panel, a hearing date with the complainant, subject to the complainant being contactable.
- e) This hearing date will typically be within 28 school days of the date of appeal unless Safeguarding requirements necessitate that the complaints procedure is suspended until a Safeguarding matter is resolved. Once resolved, the complaints procedure timetable will restart from the time it was suspended.
- f) The panel will hear the complaint and make its findings known to the complainant in writing (by way of letter or email), and where relevant the person the person complained about, typically within with 10 school working days. (regulation 33i England, 7i Wales)
- g) The findings and recommendations are available for inspection on the school premises by the proprietor and the Head Teacher. (regulation 33i England, 7i Wales)
- h) All the complaints, the outcomes and actions taken will be recorded in the settings complaint register and made available for inspection on the school premises by the proprietor, head teacher and regulatory authorities. They will indicate whether the complaint was resolved at the preliminary stage or preceded to a panel hearing. (regulation 33j England, 7j Wales)
- i) Complaint records will be stored confidentially. They will also be made available to Ofsted or in Wales, Estyn and the Secretary of State. (regulation 33k England, 7k Wales)
- j) The SENAD panel's decision is final.

¹⁴ Typically will be SENAD staff drawn from the central team or other SENAD schools

Complainants may then raise the issue with the School's regulator the DfE/Welsh Assembly or the Children's Home's regulator, Ofsted or Estyn (Wales) or CIW (Wales).

Staff complaints about other staff (non-safeguarding or pupil welfare issues)

Complaints from staff about other staff (i.e. grievances) will be managed through the staff complaints and grievance procedure set out in the staff handbook.

A staff complaint about the practice of another employee concerning the welfare of a young person, parent/guardian or professional will be managed via the safeguarding procedures and/or this complaints procedure

Minor complaints

Minor complaints and representations made by young people and parents in social care must be logged in **The Complaints Book** kept on the Residential Houses with a record of how they have been addressed.

All entries should be signed and dated by the member of staff addressing the complaint. The Complaints Book should be kept in a locked cupboard when not in use. The central log of complaints kept for formal complaints also provides a central record of all minor complaints as well.

For non-resident young people and their parents minor complaints and representations can be made to the tutor team- teacher/SLT/Learning Support Assistant (LSA). These will be dealt with in the same manner as above, by completing **The Complaints Book (central register)**. This book will be kept in a secure place designated by the Head Teacher.

The Senior Leadership Team will review the contents of the Complaints Books on a regular rolling programme. Where there are inaccuracies or discrepancies discovered the Senior Leadership Team, this will be investigated for the cause of the inaccuracies or discrepancies.

More serious complaints and representations should be addressed to, and will be acted upon by, the Senior Leadership Team.

These will be made and recorded using the establishments' formal documentation. **NB It is not generally expected that a young person will complete documentation.**

An adult advocate is available to do this for them. However where a young person particularly wishes to complete their own documentation, they should be provided with the appropriate documentation

Examples of very serious complaints may be:

- A person believes that a member of staff has abused their position with students – **THIS IS SAFEGAURDING!**
- A person believes that an act of abuse (in whatever form) has been perpetrated by a staff member – **THIS IS SAFEGAURDING!**

Where an issue of safeguarding is raised, then SENAD or the School/Home will raise the issue through the safeguarding policy first, before addressing the complaint.

Complaints about the Senior Leadership Team

Complaints and representations about the heads of establishment and/or the Senior Leadership Team should be made directly to the SENAD representative Dr Mark Flynn, The Chief Operations Officer. He can be contacted as follows:

Email info@senadgroup.com or 01332 378 840

In Writing SENAD Group Ltd
1 St George's House
Vernon Gate
DERBY
DE1 1UQ

The School's/Home's Regulator

The School and children home's regulator is **Ofsted** in England and **CIW/Estyn** in Wales. They can be contacted directly as follows:

Ofsted (for Alderwasley Hall and Sixth Form, Bladon House, Pegasus, Rowden House)
Piccadilly Gate
Store Street
Manchester
M1 2WD
enquiries@ofsted.gov.uk or **0300 123 4666**

Estyn (for Aran Hall School Education)
Anchor Court
Keen Road
Cardiff
CF24 5JW
enquiries@estyn.gov.uk or 029 2044 6446

CIW North Wales Region, (for Aran Hall School Children's Home)
Government Buildings,
Sarn Mynach,
Llandudno Junction
LL31 9RZ

Telephone: 0300 062 5609
Fax: 0300 062 5030
Email: CIW.North@wales.gsi.gov.uk

Other contacts

The telephone numbers of outside agencies which can help young people are displayed around the school and are as follows:

Brian Lock , SENAD Group Quality, Improvement and Development Manager	01332 378 840 info@senadgroup.com
Childline (run by NSPCC)	0800 11 11
NSPCC help for adults	0800 800 5000

The Education (Independent School Standards) Regulations 2014

PART 7 : Manner in which complaints are to be handled

33. The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—

- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before 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;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
 - (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
 - (i) provided to the complainant and, where relevant, the person complained about;
 - and
 - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and—
 - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
 - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body

NATIONAL ASSEMBLY FOR WALES STATUTORY INSTRUMENTS 2003

No. 3234 (W.314)

EDUCATION, WALES

The Independent School Standards (Wales) Regulations 2003

The manner in which complaints are to be handled

7. The manner in which the school handles complaints meets the standard if it has a complaints procedure which-

- (a) is in writing;
- (b) is available on request in appropriate format to pupils, to the parents of pupils and of prospective pupils at the school;
- (c) sets out clear time scales for the management of a complaint;
- (d) provides an opportunity for a complaint to be made and considered on an informal basis;
- (e) where the parents are not satisfied with the response made in accordance with paragraph (d) or wish to pursue a formal complaint establishes a procedure for the complaint to be made in writing;
- (f) where the parents are not satisfied with the response to the complaint made in accordance with paragraph (e), makes provision for a hearing before 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;
- (g) stipulates that, where there is a panel hearing of a complaint, one person will be independent of the management and running of the school;
- (h) allows for the parents to attend and to be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that the complainant, proprietor and head teacher, and where relevant the person complained about, are each given a copy of any findings and recommendations;
- (j) provides for written records to be kept of all complaints, including whether they are resolved at the preliminary stage or proceed to a panel hearing;
- (k) provides that, subject to paragraph 6(2)(j) of this Schedule, correspondence, statements and records of complaints are to be kept confidential except where the National Assembly or a body conducting an inspection under section 163 of the 2002 Act requests access to any documents relating to the complaint; and
- (l) where the school provides boarding accommodation, complies with Standard 5 of the National Minimum Standards for Boarding Schools 2003 or, where applicable, Standard 4 of the National Minimum Standards for Residential Special Schools 2003.

The Children's Homes (England) Regulations 2015: SI 2015:541

Complaints and representations

39.—

- (1) Subject to paragraph (6), the registered person must establish a procedure for considering complaints made by or on behalf of children.
- (2) In particular, the procedure must provide that no person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.
- (3) The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation.
- (4) The registered person must ensure that no child is subject to any reprisal for making a complaint or representation.
- (5) The registered person must supply to HMCI, at HMCI's request, a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in response to each complaint.
- (6) This regulation (apart from paragraph (4)) does not apply to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006 apply.

Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017

Complaints policy and procedure

64.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints;
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person;
- (c) ensuring that appropriate action is taken following an investigation;
- (d) keeping records relating to the matters in sub-paragraphs (a) to (c).

(3) The service provider must provide a summary of complaints, responses and subsequent action to the service regulator within 28 days of being requested to do so.

(4) The service provider must—

- (a) analyse information relating to complaints and concerns; and
- (b) having regard to that analysis, identify any areas for improvement.

SENAD Schools (Education) Complaints Information 2017/2018

SENAD schools have an official complaints policy which is operated by the Head Teacher/Principal and overseen by SENAD as the proprietor. The formal procedure has been used as follows in EDUCATION:

SENAD School	2017/18		2016/17		2015/16	
	Number	Panel Level¹⁵	Number	Panel Level	Number	Panel Level
Alderwasley Hall School	8	2	15	-	23	-
Aran Hall School	1	-	6	-	1	-
Bladon House School	2	-	8	1	2	-
Pegasus School	2	-	8	-	2	1
Rowden House School	0	-	1	-	0	-

Note: Alderwasley is typically higher as this reflects the much higher day pupil numbers. In the other schools, social care complaints are recorded in the social care complaints register and are not summarised in the above totals, which refer to education based issues.

Children's homes complaints

A summary of children's homes complaints is available for HMCI inspectors as part of the Ofsted/CIW registration of a children's home.

¹⁵ A formal panel hearing conducted by SENAD following a complaint that could not be resolved at the School level (stage 5 of the procedure)