



Lawrence House School

Complaints Policy

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Related Policies	LHS 2.1 Safeguarding Policy

Complaints and Representation Procedure

Introduction

1. Quality Protects Children Ltd provides a wide range of services to young people. It is committed to providing facilities and care of the highest standards.
2. The aim is to consult with service users on service development and where services may detract or be curtailed. The participation of service users is welcomed and facilities to encourage and assist in participation will be provided.
3. Occasionally, users or their relatives or advocates may not be happy with some aspects of the service that is provided. In order that these concerns may be looked at a formal complaints procedure, in line with current legislation, is available to service users. The complaints and representation procedures are included in this document. QPC is committed to the principle of having channels through which people can have their complaints or suggestions dealt with in a positive and constructive manner.

Definition of a Complaint

4. A complaint is defined as a written or oral expression of dissatisfaction or disquiet. It may arise as a result of an unwelcome or disputed decision; concern about the quality or appropriateness of a service, or about service delivery or non-delivery of a service; or delays in the decision making or the conduct of staff towards a user/relative/advocate.
5. Staff will know that many queries or grumbles arise every day as part of QPC 's normal workload. These are usually sorted out by good practice at source before they become a complaint and before they enter Stage 1 as an informal complaint. However, on occasions, the service user may express his/her query or grumble in such a way as to require investigation and official response. The individual may believe/perceive they have a complaint and it is, therefore, important to accept their position and proceed accordingly.
6. It is clearly essential to listen to what people are saying. Where staff are unsure if there is a fundamental problem, they should consult with their manager/supervisor.

The Legal Framework

7. The National Health Service and Community Care Act (S. 50) and the Children Act 1989 (S. 26) require that Social Services Departments have in place complaints and representation procedures. The legislation allows for both procedures to be similar from an administrative point of view but with the additional condition under the Children Act, that an independent person be appointed to consider the complaint alongside the department, at the formal stage (i.e. Stage 2 of procedure).
8. The Secretary of State for Health has, in respect of adults, issued directions to be followed, Complaints Procedure Directions 1990, and in respect of children, Children and Young Person

Representation Procedures (Children) Regulations 1991. These directories and regulations have been adhered to in the drafting of the Department's procedures.

9. All of the above procedures have since been superseded by the Care Standards Act 2000 (Children's Homes Regulations).
10. The school complaints procedures, as outlined in paragraph 7 of Schedule 1 to The Education (Independent Schools Standards) Regulations 2010.

The Procedures

11. This is a three stage process:
 - 1.) Non-registered complaints, which can be dealt by the teacher in an effort to resolve the problem at the first stage.
 - 2.) More serious or intractable complaints which will be referred to the Education Co ordinator.
 - 3.) Unresolved complaints, where an Appeal is requested by the complaint and is heard by an Appeal Panel which includes an independent person.

Stage 1

The informal or problem solving stage – Non-registered complaints

12. This stage should be used when the person receiving the complaint or his or her manager or supervisor is of the opinion that the complainants concern(s) can be resolved at a local level. The complaint may be received either verbally or in written form. The fact that this stage is not 'formal' does not mean that it is 'casual'. It may in fact, require someone not connected with the problem to assist and help resolve it.
13. The objective is to resolve the complaint quickly and as close to the point of service delivery as is acceptable and appropriate, thus complainant should be encouraged to speak to the person, their supervisor or manager, or manager of the service to which the complainant refers.
14. This is the time to attempt problem solving, conciliation and negotiation. The complainant should receive a decision regarding their complaint within fourteen days, though if the matter cannot be resolved at this stage, a letter must be sent giving the expected date of reply.
15. When the reply to the complainant is given they must be provided with the details of the arrangements for taking the matter further if they so wish.
16. A brief record of the complaint and the resolution should be entered in the "unregistered complaints record book", which is held in a confidential locked cabinet at every unit, a more detailed note should be held on the individual case file.

17. Some complainants may be considered to be of a serious nature, where handling at this stage would be inappropriate. In such instances the Teacher should refer the complaint to Stage 2 via the Education Coordinator.

Stage II

The Registered Complaint

18. Stage II can be invoked:

- i. By referral to the Education Coordinator, from the teacher, who deems the complaint too serious to be dealt with in the informal manner under stage 1.
- ii. Written complaints to the Education Coordinator

19. If the complaint is made orally, it must be written down by the person receiving the complaint and agreed with the complainant. Where members of staff write down the complaints they should do so using those words expressed by the user. It is preferable that the complainant 'agrees' the complaint through signing the statement.

20. A number of people and particularly children, and persons with learning difficulties, mental illness or other communication/language difficulties, may not alone be able to express adequately their wish/need to complain. Every assistance should be provided to allow those users the right to follow the process. In this regard, the Education Coordinator is available to assist, including seeing the user or seeking some other person to help.

21. Complaints received by the Education Coordinator will be acknowledged immediately in writing.

22. The Education Coordinator will decide whether that person is an appropriate person. Where the service user is a child, this can be a parent, a person with parental responsibility, a QPC foster parent or other such person as it is considered has sufficient interest in the child's welfare as to warrant their representation being considered. Where representation is accepted, the Education Coordinator will ensure that the service user within their age and understanding and so long as it is not prejudicial to their health, knows of the complaint and accepts that person as the representative.

23. The Education Coordinator forwards the complaints to the teacher and allows the opportunity, where appropriate, for action to be taken to resolve the complaint within stage 1. There needs to be close links between the teacher and the Education Coordinator at this stage.

24. The Education Coordinator will judge who is best to investigate the complaint and instruct them accordingly; this person is deemed the Investigating Officer. In children's cases, an independent person will be appointed at every stage, to look at the complaint alongside the Investigating Officer.

25. In children's cases the QPC must provide a response within 28 days, of receipt of the complaint.

26. With adults, the QPC shall formulate a response within 28 days, if this is not possible, it must tell the complainant why this is so, but in any case, provide a response within three months of receipt.
27. Any person making representation or acting with the complainant or on their behalf, will receive all relevant information and correspondence including the response of the QPC.
28. When the response is made, the complainant should be informed of their rights to take the matter to appeal, but that they must do so within 28 days of receiving the response. Those persons who may need assistance should be offered that facility.
29. A record must be kept by the Education Co ordinator of all complaints and their outcomes, in the register of complaints.

Stage III

The Appeal Stage

30. The Complainant has a right to appeal the QPC Board in response to Stage II. The appeal should be in writing to the Education Co ordinator within 28 days of receipt of the Stage II response.
31. On receipt of the request for an appeal, the Education Co ordinator will agree a panel date hearing within the required 28 days, with the complainant and the participants.
32. The Complainant will be notified in writing at least ten days before the hearing of the time, venue, date and names and status of the panel members and be invited to attend.
33. The Complainant will be informed that they may be accompanied at the hearing by a friend or representative. If their representative is a solicitor or barrister, then no fees or expenses incurred by the representative will fail to be paid by QPC.
34. Some individuals and particularly children, may wish to be accompanied by an advocate e.g. ASC or some other group and if these require a fee, the Director must consider the matter of such payments.
35. The complainant and his/her representative will be provided with copies of those papers being made available to the panel members. The Director responding to the complaint will decide which papers go to the panel, with the exception of those papers provided by a third party who does not agree to their disclosure. Other papers, which the QPC feels could, if produced, be detrimental to the complainant's health or place other persons at risk, may also be withheld. The making of a complaint does not automatically entitle the user access to his/her case record. If the user wishes to access their case record, application under the Department of Health circular LAC (88) 17 – Personal Social Services confidentiality of information is necessary.

36. Staff members including the investigating officer, and independent person will usually be required to attend panel hearings. It is, however, for the Director to decide who should attend. They may be accompanied by either a line manager or union representative. Where users, staff members or other persons are to be accompanied at the appeal hearing, they should, at least five days prior to the hearing, inform the Education Coordinator.
37. The panel will be able to call upon the services of a legal representative if necessary.
38. The panel consists of three people, including an independent person as Chairperson of the panel. The other two members will ordinarily be a Director not involved in the complaint and the Education Consultant. From time to time, the Chairperson may seek to be represented by a Vice-chairperson the Director may seek the assistance of the Director of a neighbouring authority, where special circumstances arise.
39. The panel will consider the documentation presented to it, seek to hear the views of the complainant, the QPC and independent person, and make their recommendation.
40. In seeking to hear the views of individuals, the Chair will invite each person, in turn, to make a statement and then pose questions to the individuals concerned. The opportunity to directly examine witnesses is not seen as part of the process, though individuals may pose questions through the chair.
41. In the case of an appeal, and the complainant or representative fail to appear, where the panel decides to proceed, it will hear the statements of those persons present.
42. The panel recommendations will be recorded in writing within 24 hours of the meeting and sent to the complainant, his/her representative, the Education Coordinator (acting on behalf of QPC) and the independent persons and other interested parties.
43. Note: The panel's recommendations will then be considered by the Director, in consultation with the Independent Person. The Director will, within 28 days, inform all parties of QPC's decision. The complainant should then be informed of his/her rights to complain to the local Ombudsman if they so wish and provided with details. A record of the panel's deliberations will be made by the Education Coordinator.

Time Limits

44. There is a requirement that time limits are adhered to; however, exceptionally the complainant and others may have difficulty working within what are very tight limits.
45. Where difficulties arise, it may be possible to reach agreement with the complainant, his/her representatives to extend the deadlines. Where an extension is agreed, a new time limit date should be agreed. Open ended extensions should not be sought.

Withdrawal of Complaint

46. The user or his/her representative, provided the user agrees, may at any stage, withdraw the complaint. Withdrawal should be in writing to the Education Coordinator.
47. The withdrawal of a complaint is not necessarily the signal for the QPC to cease its enquiries. Where matters of a serious nature were part of the original complaint, the QPC may be obliged to pursue the matter.

Disciplinary Procedures

48. It may be that a complaint exposes an action taken by a member of staff for which the involving of the disciplinary procedure is an appropriate course of action. If at any stage this seems likely, supervisors, managers, investigating officer or Education Co ordinator must arrange for the disciplinary procedure and complaints procedure to run in conjunction with each other with the requirement of the disciplinary procedure being accommodated as far as is possible but taking account of the legal requirements for complaints to be dealt with within specified time limits. The possibility of the complainant agreeing to put on hold the complaint, may need to be explored if necessary.

Grievance Procedure

49. A member of staff affected by a complaint being dealt with under the complaints procedure may, at any stage, invoke the grievance handling procedure and in such circumstances this will run in conjunction with the complains procedure as above, though the complainant may agree to put the complaint on hold.

Financial Irregularities

50. Where a financial irregularity is exposed as a result of a complaint, then the Director of Finance's Irregularity Procedure will be implemented to run in conjunction with the complaints procedure.

Complaints Procedure in relation to Personnel Procedures

51. At the conclusion of action in respect of discipline, grievance or financial irregularity, the complainant will have a right to know the outcome of their complaint and be satisfied that they have received a satisfactory response.
52. Information given to complainants will need to be given in the context of confidentiality of personal information about members of staff.
53. The Education Coordinator will not be the appropriate officer to deal with the above personnel issues. In such cases, the officers handling these cases will keep the Education Coordinator informed of progress and the eventual outcome so that the complainant can be informed of the result in due course, if appropriate.

Child Protection Procedure

54. The safety of children is the first priority of QPC and must take preference over all other considerations. Therefore, the child protection procedures may run in conjunction with the complaints procedure.

Legal Proceedings

55. The complaints procedure cannot apply to any issue which is being or has been decided by the court. However, a complainant may well focus on issues up to or subsequent to the court's decision that could reasonably fall within the complaints procedure.

Confidentiality

56. Complaints will be treated in a confidential manner and with respect. Knowledge of any complaint, all correspondence, statements and records of complaints are kept confidential and information will be shared only on a need to know basis and with those directly involved.
57. We cannot entirely rule out the need to make third parties outside the home aware of the complaint and possibly also the identity of those involved. This would only be likely to happen very rarely where, for example, a child's safety was at risk or because it was necessary to refer matters to the police or if requested as required by paragraph (2) (j) of the Education (Independent Schools Standards) Regulations 2003 whereby disclosure is required in the course of the School's inspection or if any other legal obligation prevails.

Monitoring

58. The Education Coordinator will provide, on an annual basis, details of all registered and un-registered complaints. It will be necessary, therefore, to provide to him/her the necessary details of un-registered complaints received at local service points.
59. The Education Coordinator will, at least on an annual basis, inspect the non-registered complaints book, held at service points.

Advice Notes

i. The Investigating Officer

60. The investigating officer has the key responsibility in looking at and thoroughly exploring the issues raised by the complainant. It is not possible to prescribe how this officer should carry out his/her enquiries as the circumstances of each case differ.
61. However, the investigation needs to be quick, effective, fair and impartial.
62. Best practice may dictate that the investigating officer sees the complainant and his/her representative - in many cases this may lead to a solution, thus avoiding the need to progress the complaint further. Seeing key staff and exploring the case records, as well as seeking reports from the line manager and individual staff will also be necessary.

ii. The Independent Person

63. The person appointed cannot be an officer or member of QPC or their spouse or cohabiter's. Some enquiries are made into the background and suitability of the persons appointed. In children's cases police enquiries will be made and arrangements exist for staff of various voluntary agencies to act in an independent capacity, in which case background enquiries will already have been made.
64. Each independent person will receive formal notice by letter of the appointment. Parents, caretakers or staff of homes should ask for sight or verify the credentials of the person in some other forum before they are allowed access to children.
65. The advice on the role of the Independent Person appears conflicting in that he or she is not an advocate for the child, nor an investigator. However, he/she may interview the child/others and may issue a separate report.
66. The Independent Person at the panel stage is required to chair the panel and subsequently, with the Director consider the QPC's response to the panel's recommendations.

iii. Office for Standards in Education, Children's Services and Skills (OFSTED)

67. The above organisation has regulatory responsibility for all children's homes and schools. If a member of staff or a young person has a complaint which they feel has not properly been dealt with then they can contact OFSTED for further advice. This can be done:
 - Online through the OFSTED website: <http://www.ofsted.gov.uk/Ofsted-home/About-us/Contact-us/How-to-complain>
 - In writing to:
OFSTED
Royal Exchange Building
St Anne's Square
Manchester M2 7LA
 - By telephone: Helpline: 0300 123 1231