

Libra School

Complaints Policy and Procedures

Date	Review Date	Headteacher	Director
03.04.18	03.04.19	Kirsty Crosby	Joan Wilkes

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Local Government Act 1974
- Local Government Act 1988
- Education Act 1996
- Data Protection Act 1998
- School Standards and Framework Act 1998
- Freedom of Information Act 2000
- Education Act 2002
- Education Act 2005
- Education and Skills Act 2008
- Apprenticeship, Skills, Children and Learning Act 2009
- Children, Schools and Families Act 2010
- Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008
- Education (Independent Schools Standards) Regulations 2010
- Equality Act 2010
- Education (non-maintained Special Schools) Regulations 2011
- School Admissions (Appeals Arrangements) (England) Regulations 2012
- DfE Keeping children safe in Education July 2015
- The Children's Homes (England) Regulations incl Quality Standards 2015

The following documentation is also related to this policy:

- Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted)
- School Admission Appeals Code (DfE)

We believe that Libra provides excellent care and education and that all Libra staff work very hard to build positive relationships and have in place clear lines of communication with all parents and professionals. In doing so doing complaints are kept to a minimum.

However, we are aware that under legislation we must have in place clear procedures to deal with any complaint made against the school, the homes or individuals connected with them. We take any complaint seriously and we deal with them professionally following set procedures.

We believe complaints need to be resolved as quickly as possible but in some cases we need to establish whether the issue brought to our attention is a complaint or an actual concern. In such cases 'many issues can be resolved informally without the need to invoke formal procedures'.

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We agree with the definition that a concern is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.' While a complaint is best defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. By making this distinction between a concern and a complaint and taking all informal concerns seriously we can prevent concerns developing into formal complaints.

We must be aware that besides parents/carers of children who are registered at this school any member of the general public can make a complaint about 'any provision of facilities or services' that we provide at Libra.

We are aware that under the Education Act 1996 parents have the right to complain directly to the local authority about any matter relating to the school's curriculum and or any issue relating to the general education that we provide.

We have a duty to inform parents and the general public who may wish to make a complaint against an organisation using school facilities that they must lodge their complaint with that organisation and not the school.

We have a duty to publish the complaints policy in the school handbook and on the school website with hard copies available from the school office.

We understand that a complaint may be made in writing, by telephone or in person. However, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by having in place alternative methods of registering a complaint.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To deal with any complaint against Libra or any individual connected with it by following the correct procedures.
- To deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.
- To differentiate between a concern and a complaint.
- To ensure compliance with all relevant legislation connected to this policy.
- To ensure that our complaints policy and procedure is remedy focused.

Responsibility for the Policy and Procedure

Who Can Complain

Complaints can be made by various individuals:-

- Children and young people - a simplified version of the policy is available to help children complain and access to an advocate is also available;
- Parents and carers - access to an advocate is available;

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- Social workers and placing authority;
- Employees of the home;
- Members of the public;
- The policy will be provided on request to other agencies, professionals, relatives and friends, wishing to complain on behalf of a child.

We welcome complaints, we learn from them and use them to improve the service that we offer. We are always willing to listen and will do our utmost to resolve any concerns about the home, school or staff, if we are unable to resolve the complaint, we will explain the process to take the complaint further. We will not discriminate or treat anyone any differently because they wish to complain.

Small Frustrations

We recognise that young people, parents, professionals and staff will have small frustrations that come up in discussion almost on a daily basis. We feel it is important that these frustrations are acknowledged and discussed in an informal way to seek remedies for them long before they become an informal or formal complaint. To do this we have the:

- Libra Suggestion Box which is a box young people and staff can put written suggestions into. These suggestions can be anonymous and about anything and staff should help young people to write suggestions if they are asked. All suggestions are discussed at the Libra Council Meetings.
- Libra Young People Councils are age appropriate councils that meet twice termly to discuss and consult over Libra policies and procedures that affect young people such as this Complaints Policy which has been written after consultation through two Council meetings and to discuss any moans, groans and gripes that have arisen in the last month and from the Libra Suggestion Box. Solutions to these issues are discussed as a Council and remedies suggested and reviewed and then implemented if agreed. Council meetings have minutes which are circulated within the school and the homes for all young people and staff to see.
- Weekly Keyworker meetings during which a young person can air any moans and groans and the Keyworker will make every effort with the Registered Manager to resolve them.
- Home Team meetings during which young people and staff can voice any grievances they feel they have and remedies can be found within the home with peers and colleagues.
- Physical Intervention Young Person Self reflection forms which are completed with a young person after a physical intervention. This gives the young person an opportunity to express if they feel they have been dealt with unfairly at the same time as reflecting on their own responsibilities.
- Parent / Teacher meetings and open days to discuss the children's progress allows parents to meet directly with teachers to raise any concerns.
- The Director of Care and Deputy Head have very good working relationships with professionals and parents which are developed through attendance at CIC, CIN, IEP, PEP and review of statement meetings as well as attendance at open days. This gives parents and professionals direct contact to raise any small issues or concerns that are raised informally through these forums.

These avenues provide young people and staff an outlet for small niggles and frustrations which can be then discussed between peers and colleagues and remedies found that meet the needs of the young people, staff and the company.

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Within the homes and the school contact telephone numbers are easily available for young people to contact:

Ofsted

Child Line

Right4me

NSPCC

Children's & Young People Services

Young people have access to a telephone and computer (depending upon risk assessment this may be supervised) and are given a Young Person Handbook which also details the contact phone numbers as well as how to use the complaints policy in a child friendly format.

When young people begin a placement with Libra their Keyworker will talk them through how the young person can access the Complaints Policy and how they can make a complaint.

Remedy Focused

The aim of this complaints policy and procedure is to ensure that any complaints are resolved effectively and efficiently. We do this by ensuring that this policy and procedures has a remedy focus in which the person making the complaint is very involved.

In order to be effective any remedy focus must consider:

- The individual needs of the complainant
- The situation in terms of its' seriousness and the implication other Libra policies and procedures may have on it
- The impact a remedy might have on the organisation, it's staff and children
- The speed with which a remedy can be implemented

It is very difficult to provide within this policy a range of possible remedies as we aim to ensure that every remedy that is identified is unique to the complainant and has been considered in relation to all the above factors.

Complainants are asked through the procedures and associated documentation used to identify a remedy that they feel would resolve their complaint and our procedures are focused on achieving this remedy for them in consideration of all other factors.

Informal Complaints Process

If someone says they are unhappy with the service provided or treatment received by Libra within either the school, the homes or by any of our staff; the person receiving the information will take the following action; at every stage the person will be offered access to an advocate. Staff are provided training on how to manage and resolve complaints through the Staff Induction Programme.

1. Check with the person that they feel comfortable speaking to them; or would they prefer someone else? Provide information regarding the availability of someone else on site, or who is contactable off site, at any time of day.

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2. If the person prefers to wait to discuss the matter with a member of staff of their choice arrange a meeting at a convenient time and location for both. We will ensure that no person who is the subject of a complaint takes any part in its consideration other than, if the Registered Person or Head Teacher considers it appropriate, at the informal resolution stage only.
3. It is important to ask the person raising the complaint to complete the appropriate Libra Complaint form. There is a child friendly version which is to be used by young people. The member of staff receiving the complaint can fill this in for the person if they prefer and should do so if they refuse but have made a verbal complaint. Complainants other than young people should be encouraged to use the appropriate form to make their complaint but we will respond to all complaints either verbal or written in an alternative form in the same way. The investigating person will complete the appropriate complaint form based on the information provided to them by the complainant.
4. The member of staff receiving the information should try to resolve the problem with a mutually agreed remedy immediately if this is possible and is within their ability and authority. Advice and guidance can be sought from the 24 hour Duty Manager or Senior on Call. The member of staff should ensure they record the action taken, and check and record that the person is satisfied with the outcome. This may involve advising the complainant that they are unable to resolve the complaint within 24 hours but actions have been taken to initiate a resolution. The complaint will then become a Formal Complaint and the complaint should then be made in writing.
5. All complaints within the homes and the school must be recorded in the appropriate hardback Complaints book
6. If the problem cannot be resolved immediately (within 24 hours) or is a serious matter then staff should explain what happens next. Staff should give them a summary of the complaints procedure and/or a complaints flowchart (there is a child friendly version in the Young Person Handbook) and go through it with them. Staff are asked to be willing to help young people or vulnerable adults if they ask for help to make a complaint (e.g. filling a complaint form -particularly when someone is not able to write). If the complainant speaks another language staff should ensure that they bring this situation to the attention of the Registered Persons, Head Teacher, Director of Care or Deputy Head who will ensure that appropriate help is sought for this person to make their complaint.
7. In recording a complaint staff should ask the complainant who they would prefer to investigate their complaint from a panel of staff names and what is the outcome they are seeking. This may not always be possible to achieve but it helps to clarify the nature of the complaint and direct a resolution.
8. The complaint form can either be given directly to the member of staff who received the complaint and they will ensure that it is delivered into the office or it can be delivered to The Libra School, Edgemoor Court, South Radworthy, South Molton, Devon, EX36 3LN.
9. An informal complaint becomes a formal complaint if:
 - The complaint cannot be resolved within 24 hours

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- The complaint after initial investigation is considered to be of a serious nature requiring formal investigation
- The person requests it to be a formal complaint straight away.

Complaint about the Registered Person(s), Head Teacher, Director of Care and or Deputy Head

If the complaint relates to Registered Person(s), Head Teacher, Director of Care, Deputy Designated Safeguarding Officer and or Deputy Head the member of staff must contact either:-

The Duty Manager
A Registered Manager
Office Manager

Any complaint related to the Registered Person(s), Designated and or Deputy Safeguarding Persons, Head Teacher, Director of Care and or Deputy Head is to be treated as a formal complaint.

Formal Process Stage 1

Once the Registered Person (or appropriate person if the complaints is against the Registered Person) receives a formal complaint s/he will:

1. Arrange for a Manager to contact the complainant within 24 hours (to allow for a cooling off period) to record the details of the complaint and identify who the complainant would like to investigate the complaint. This cooling down period aims to filter out any complaints that stem from an angry reaction to necessary correction or behaviour management and which will become more realistic once the immediate anger is gone. However, the cooling period may be overridden should the issue need to be dealt with immediately.
2. Notify the member of staff identified to investigate and pass on all documents and information relating to the complaint
3. The Investigating Staff member should arrange to meet with the complainant within 24 hours of receiving the complaint or if over a weekend contact the complainant to set a date for a meeting
4. The complainant should be given written feedback within 7 days of how the investigation is progressing. There is a child friendly Complaint Response format for young people.
5. The Investigating Staff member should meet with the complainant within 14 days to explain the findings of their investigation and discuss remedies available as well as providing a final written response to the complainant within 14 working days setting out the findings of the investigation and a possible remedy or remedies. There is a child friendly Complaint Response format for young people.
6. The Investigating Staff member should ensure that the Registered Persons, Head Teacher, Director of Care, Registered Manager and Deputy Head receive a copy of the final written response.
7. The Investigating Staff member should ensure the complaint is fully documented and correspondence filed with the school or home.

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8. If during the meeting explaining the findings and remedies the complainant states they are not happy with the outcome of the investigation the Investigating Staff member should explain to them how to proceed through to Stage 2 of the Formal Process and provide them with a Complaint Flowchart.

Formal Process Stage 2

The complainant, if not satisfied, can progress the complaint to Stage 2 of the Complaints procedure:

1. The complaint will be investigated by a Manager (the complainant will be given a choice) not previously involved in the complaint and an independent person not employed by Libra. They will respond in writing within 28 days, outlining their findings and recommendation to the Registered Persons and the complainant. This report should provide information about how the complainant may proceed to Stage 3 if they continue to remain unhappy with the outcome of their complaint.
2. Where it is not possible to complete the investigation within 28 working days, Stage 2 may be extended to a maximum of 65 working days. All extensions should be agreed by the Registered Persons or the Duty Manager or Curriculum Leader if the complaint relates to the Registered Persons. The complainant should be informed of the reasons for the delay and a date for completion in writing.

Formal Process Stage 3

If the complainant remains dissatisfied with the outcome of the Stage 2 investigation they may follow the following Stage 3 procedures:

1. An appeal must be made in writing within 14 days of receiving the written report of the outcome of Stage 2 stating his or her reasons for this request. A young person is encouraged to ask a staff member to help them write this if they wish to appeal or request an advocate.
2. The matter will be referred by the Registered Persons or the Duty Manager or Curriculum Leader if the complaint relates to the Registered Persons to an Independent Panel for consideration which will be convened within 30 working days of the request. The Panel will consist of three independent persons who do not work (or have not worked for the last 3 years) for Blackford Education (Schools) Ltd.
3. The complainant is entitled to attend the meeting of the Panel, and may be accompanied by a support person or advocate, who can be nominated to speak on the complainant's behalf. Within 14 working days of the conclusion of the review, the members of the Panel must decide upon their recommendations to the Registered Persons or the Duty Manager or Curriculum Leader if the complaint relates to the Registered Persons, who will ensure a written response to the complainant is made within 14 working days of receiving the Panel's report.
4. The response should advise the complainant that they may refer the matter to the Local Government Ombudsman, their Social Worker or Ofsted should they remain dissatisfied.

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Safeguarding Children

If any member of staff receives a complaint that relates to the safety or safeguarding of a child or young person the complaint is to be given directly to the designated Safeguarding Officer Gina Dyer or in her absence the deputy Safeguarding Officer Clive Crosby. The complaint will be managed in line with the Libra Safeguarding Policy and Procedures.

If the complaint relates to the Registered Person(s), Head Teacher, Director of Care, Designated Safeguarding Persons and or the Deputy Head the member of staff must contact either the 24 hour Duty Manager, a Registered Manager or the Office Manager who will refer the complaint directly to the appropriate Local Authority Designated Officer (LADO) and the young person's Social Worker or Local Authority Emergency Duty Team in line with Libra's Safeguarding Policy and procedures.

Complaints regarding the Curriculum and General Educational Provision

All curriculum and general educational provision complaints will be dealt with as a formal complaint in line with this policy

Complaints made not on Behalf of a Child or a Young Person

Complaints made by members of the public on their own right (e.g. Neighbours of the homes or school) are managed as follows:

1. A summary of the complaint is taken either verbally or in writing from the complainant. If taken verbally a complaint form is written up by the staff member who has received the complaint.
2. The complaint is passed to the Director of Care for investigating if the complaint relates to the residential homes or to the Deputy Head for investigating if the complaint relates to the school or staff
3. The complainant will be asked by the investigating staff how they would prefer the company to respond to their complaint, verbally or written response
4. The complaint should be dealt with as quickly as is possible and a remedy found in order to minimise any disruption to the homes or the school. Certainly the complaint is to be investigated within 14 days.
5. A verbal or written response will be given to the complainant within 14 days
6. A record of the complaint should be kept in the appropriate Complaints book in the homes or the school.

Training

All staff are trained, as part of the induction process, in:

1. What constitutes a complaint;
2. What the procedure is for dealing with an informal complaint within the school and homes and how it should be recorded
3. The procedure to be followed should a complaint not be resolved promptly by informal means, including who should be notified and the keeping of records
4. How a child or young person can be assisted in making a complaint, including situations where a child has a communication impairment and how to access an advocate
5. The induction training will be followed up with a specific session on complaints.
6. Guidance is provided in the staff handbook

Monitoring

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1. Within the residential homes the Registered Person regularly reviews the records of complaints by children, or concerning the welfare of children, to check satisfactory operation of the complaints procedure and to identify both patterns of complaints and actions taken on individual complaints through the Regulation 33 process.
2. The Registered Person takes any appropriate action from such a review in relation to the homes' and school policies, procedures and practices, as well as taking any necessary further follow-up action in relation to individual cases.
3. The Registered Person shall maintain and supply to OFSTED at it's request a record containing the summary of complaints made during the preceding 12 months and the action that was taken.
4. Within the school the Deputy Head and Headteacher monitor all complaints to ensure the quality of the education and service being provided.

Disciplinary Procedures

The company operates a disciplinary procedure which provides for:

1. The suspension of an employee where necessary in the interests of the safety, or welfare of children accommodated in the homes or school and or the staff.
2. The failure on the part of an employee to report an incident or complaint relating to the welfare, abuse, or suspected abuse of a child accommodated in the home or using the service to an appropriate person.
3. The failure to follow Libra Policy and Procedures in any way.

Role of the Directors

The Directors will:

- a duty to have in place a complaints procedure;
- responsibility to ensure that the complaints procedure complies with their obligation under the Equality Act 2010;
- delegated powers and responsibilities to the Headteacher to ensure all school Staff and visitors to the school are aware of and comply with this policy;
- responsibility not to share complaints with the whole Directors in case an appeals panel has to convene;
- responsibility to arrange for an independent panel to hear a complaint if the whole Directors have been 'contaminated' by having full knowledge of the complaint;
- responsibility of annually discussing the concerns/complaints log with the Headteacher;
- in place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures;
- responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- responsibility for ensuring that the complaints procedure is publicised on the school website and in the school handbook, is concise, simple to understand and impartial;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities Director to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- make effective use of relevant research and information to improve this policy;

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- responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Head Teacher

The Headteacher will:

- deal with all complaints impartially and in a non-adversarial manner;
- keep the complainant fully updated at all stages of the complaints procedure;
- keep records;
- not share third party information;
- seek an interpreter if the need arises;
- refer any complaint made against him/her to the Directors;
- ensure full and fair investigations are undertaken by an independent person where necessary;
- ensure confidentiality at all times;
- ensure all complaints are resolved as quickly as possible within realistic time limits;
- log all complaints received by the school and records how they were resolved;
- discuss the complaints log every year with the Directors;
- monitor and review complaints to see how they can contribute to school improvement;
- ensure all school Staff, pupils and parents are aware of and comply with this policy;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- make effective use of relevant research and information to improve this policy;

Role of the Coordinator

The coordinator will:

- lead the development of this policy and all linked policies throughout the school;
- work closely with the Headteacher and Directors;
- make effective use of relevant research and information to improve this policy;
- keep up to date with new developments and resources;
- provide training for all staff on induction and when the need arises;
- review and monitor;

Role of the Complainant

We ask the complainant to:

- cooperate with school to find a solution to the complaint as quickly as possible;
- provide enough information as possible;
- be respectful to everyone involved in the complaint procedure.

Role of School Staff

School staff will:

- comply with this policy;
- be aware of all other linked policies;

Role of Children

Children must:

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- be aware of and understand this policy;

Role of the School Council

The School Council will be involved in:

- reviewing the effectiveness of this policy with the Senior Leadership team.

Role of Parents

Parents must:

- be aware of and support this policy;
- support the school Code of Conduct and guidance necessary to ensure smooth running of the school

Training for School Staff

All school staff:

- have equal chances of training, career development and promotion
- receive training where appropriate on this policy on induction:
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- meetings with parents such as introductory, transition, parent-teacher consultations, IEP and PEP meetings
- school events
- meetings with school staff
- communications with home such as newsletters

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator and the Headteacher.

Linked Policies

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• Whistleblowing	• Curriculum
• Safeguarding	• Staff Training
• Disciplinary Procedures	• Allegations Against Staff

Director:	Joan Wilkes	Date:	10.04.18
Headteacher:	Kirsty Crosby	Date:	03.04.18

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Initial Equality Impact Assessment

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
Complaints Policy & Procedures	Yes stated			✓

This policy affects or is likely to affect the following members of the school community (✓)	Children	School Staff	Parents/carers	Directors	School Volunteers	School Visitors	Wider School Community
	yes	yes	yes	yes	yes	yes	yes

Question	Equality Groups															Conclusion										
Does or could this policy have a negative impact on any of the following?	Age	Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'yes' or 'not sure'			
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y			N	NS
	✓			✓			✓			✓			✓			✓			✓			✓				✓
Does or could this policy help promote equality for any of the following?	Age	Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'			
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y			N	NS
	✓			✓			✓			✓			✓			✓			✓			✓				✓
Does data collected from the equality groups have a positive impact on this policy?	Age	Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'			
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y			N	NS
	✓			✓			✓			✓			✓			✓			✓			✓				✓

Conclusion	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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Preliminary EIA completed by	Date	Preliminary EIA approved by	Date
Kirsty Crosby	03.04.18	Joan Wilkes	10.04.18

Libra School Policy Evaluation

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed	x			
• Policy in line with current legislation	x			
• Coordinator in place	x			
• Nominated Director in place			x	
• Coordinator carries out role effectively	x			
• Headteacher, coordinator and nominated Director work closely	x			
• Policy endorsed by Directors			x	
• Policy regularly discussed at meetings of the Directors			x	
• School staff aware of this policy	x			
• School staff comply with this policy	x			
• Children aware of this policy	x			
• Parents aware of this policy	x			
• Visitors aware of this policy	x			
• Local community aware of this policy			x	
• Funding in place			x	
• Policy complies with the Equality Act	x			
• Equality Impact Assessment undertaken	x			
• Policy referred to the School Handbook	x			
• Policy available from the school office	x			
• Policy available from the school website	x			
• School Council involved with policy development	x			
• All stakeholders take part in questionnaires and surveys			x	
• All associated training in place	x			
• All outlined procedures complied with	x			
• Linked policies in place and up to date	x			
• Associated policies in place and up to date	x			
A statement outlining the overall effectiveness of this policy				
It is effective and suitable for purpose				