

Complaints Procedure Policy

Purpose?

- 1.1 To ensure that all complaints are resolved at the point closest to the complainant.
- 1.2 To ensure that all complaints are treated with dignity and respect throughout the process within Amber education.
- 1.3 To ensure that we learn from all complaints to deliver improvements in our Amber guardianship customer satisfaction.
- 1.4 Amber education will ensure that the complaints procedure is readily accessible for example published on the website with a timescale for review. And outlined within the parent and student handbook in order for easily accessible feedback and to make sure it is the closest point to the complaint made.
- 1.5 Within Amber education it is for the project manager and CEO to decide on how often the policy and procedures should be reviewed but every two or three years is quite typical.
- 1.6 To ensure that staff, parents, and student know where to file a complaint and who to pass it onto when it is first written. The complaints form is attached to the student and parent handbook as well as the staff contract. On the form, it clearly outlines who the individual should send the form to and contact.

What will Amber Education do with complaints?

- 2.1 Complaints are treated with utmost importance, it is vital that Amber education acts fast in solving the complaint, especially when it comes to the danger of students or staff.
- 2.2 Amber education complaints procedure is formatted within three stages of making a complaint. The informal, formal and further stage. The informal is through verbal warning and investigation, the formal is that the complaint will be taken onto the project manager or the CEO for further discussion on the matter of acting upon the situation. If the solution is not resolved the further stage will be to report to AEGIS and AEGIS will follow the complaint up and take further action if necessary.
- 2.3 A written record is asked from all who make a complaint, onto the form which is attached and explained before employment and upon application to becoming a guardianship student, to the parents and the student. The written record will also include the action that was taken in the result of the complaint (regardless of whether they are upheld).

Points for consideration

- 3.1 A complaint is an expression of dissatisfaction however made, by a parent, student or staff. It may be about company policies or procedures, the conduct, actions or omissions of members of staff employed at Amber Education or the standards of behaviour within the company.
- 3.2 Section 29 of the Education Act 2002 requires all governing bodies to have in place working with children complaints procedure. The procedure must be publicised to parents and the procedure must be readily available to anyone requesting a copy.

What is complaints procedure?

3.3.1 The procedure is not for complaints from staff about matters relating to their duties or employment at Amber Education, or for staff grievances, or for complaints they may have about parents or students. Those issues should be dealt with through the direct manager, project manager or CEO.

3.3.2 This complaints procedure is intended to be used by those persons who have a complaint relating to Amber Education and no other alternative process exists for addressing that complaint.

3.4 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:

3.4.1 • Issues relating to members of staff including disciplinary grievances and re-organisation proposals

3.4.2 • Matters likely to require a Child Protection Investigation

3.4.3 • Whistleblowing.

3.4.4 • Complaints against a Member of the guardianship team should be referred to the project manager or CEO in the first instance.

Type of complaints

3.6 Depending on the complaint, initially most complaints will be oral. There should not be a requirement for the complainant to put their complaint in writing at the informal stage. However, should the company be mindful that English may not be the complainant's first language and due consideration and appropriate action should be taken where this is known to be the case.

3.6.1 Direct managers should not attempt to deal with complaints outside of this procedure. Any manager who is approached by a complainant wishing to complain about the company should direct the complainant to the manager. There will be some instances, for example when the complaint is about the CEO, where it would be appropriate for the complainant to be advised to write to AEIGIS instead of the manager or project manager.

3.6.2 The power to investigate company complaints rests with the company. The main exceptions to this are child protection and health and safety where the managers and project manager do still have the powers to investigate and intervene. Therefore, in the majority of cases, any complainant who approaches the manager and project manager (except in such cases as specified above) will be referred back to the CEO.

3.6.3 The manager, project manager or CEO should not investigate when a complaint is about their own actions.

Dealing with complaints

3.7 It is important that all concerns are taken seriously. Students learn best when there is an effective partnership between the school, parents, and guardians. All members of the company are entitled to have their points of view properly considered and heard.

3.7.1 It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly frequently results in greater dissatisfaction. Complaints and concerns relating to issues, which occurred more than three months before will generally be ruled "out of time".

3.7.2 When investigating a complaint, the investigator should try to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions. The governing body should consider using recording devices so parents with communication difficulties can access and review discussions.

3.7.3 Managers should note that complainants have a right of access to the copies or records under FOI and the Data Protection Acts. Details of the complaint should not be shared with all members of the managerial positions within the company. Our objective is to provide a secure, calm and welcoming environment for our staff, parents, and students. We recognise that these aspirations can only be achieved by the wholehearted commitment and support of the whole company. Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint.

Record Keeping

3.8 Amber Education should keep a record of all complaints made and the actions taken. When receiving anonymous complaints in most cases the only action the direct manager or project manager will take is to log the complaint and a record of any actions taken in response to the complaint. However, there may be exceptions to this where the direct manager or project manager feels further action should be taken and it is for the direct manager or project manager to use his/her discretion in making that decision and in deciding how to proceed in such cases. These may include complaints that raise serious concerns such as child protection allegations or bullying.

Stages

4.1 In order to bring any such occurrences to a speedy and satisfactory conclusion, Amber Education has adopted a Complaints Procedure. It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of minor problems. The Department for Education expects complaints to be made at the earliest opportunity and consider 3 months to be an acceptable timeframe to lodge a complaint.

4.2 Stage one (informal): -Local resolution of the problem 2.1 In the vast majority of cases a problem can and should be resolved by contacting the direct manager or project manager directly involved with the problem. The initial communication with the direct manager may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the

problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

4.3 Stage two (The Formal Stage): - If the complainant is not satisfied with the response from the direct manager at stage 1 or if the complaint is of a serious nature, the complainant should be advised that the next stage is to put their complaint in writing to the project manager or CEO. When writing to the Project manager or CEO the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

4.4 Stage three (further action from AEGIS): - Where the CEO or project manager is the subject of the complaint then AEGIS will be contacted and further action will be taken by AEGIS. AEGIS will appoint an investigator or another senior member of staff to carry out the investigation and report their findings to the CEO, AEGIS will then come to a conclusion to the complaint.

The contacts for AEGIS are as follows:

Yasemin Wigglesworth, Executive Officer yasemin@aegisuk.net

Elaine Austin, Administration Assistant elaine@aegisuk.net

Sharon Sverdlhoff, Inspections Administrator sharon@aegisuk.net

AEGIS

The Wheelhouse

Bond's Mill Estate

Bristol Road

Stonehouse

Gloucestershire

GL10 3RF

Tel: +44 (0) 1453 821293

info@aegisuk.net

4.4.1 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- 4.4.2 • To re-investigate the complaint;
- 4.4.3 • to reach a definite view on a point of law;
- 4.4.4 • to criticise the complainant for any “contributory negligence” that may have contributed to the difficulties;
- 4.4.5 • to be an alternative to a disciplinary hearing, as far as staff are concerned;
- 4.4.6 • To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

Investigation

5.1 The person appointed as the Investigator should keep notes of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigator may feel it necessary to meet with the complainant first. It is good practice to supply interviewees with the notes and ask them to sign the notes for accuracy.

5.2 At the conclusion of the investigation the investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the CEO or AGEIS.

5.3 The direct manager or project manager should write to the complainant within 5 days of receipt of their letter, setting out who is conducting the investigation and that the project manager or direct manager will write again to the complainant within a further 20 school days settling out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

5.4 Before the investigator interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

5.5 Once satisfied that the investigation has been concluded and a decision on the complaint has been reached the project manager or direct manager will notify the complainant in writing of the conclusion and decision made. The complainant will be informed of any action that will be taken as a result of the complaint except where this would be breach confidentiality e.g. taking any formal action against individual members of staff which would remain confidential. This letter of notification of the outcome should generally be done no later than 20 days. The Project manager and direct manager may feel it appropriate to meet with the complainant to communicate the findings in person; in this event, the decision should also be confirmed in writing.

5.6 The outcome of the investigation would usually be one of the following but not limited to:

5.6.1 • The evidence indicates that the complaint was substantiated and therefore upheld;

5.6.2 • The complaint was substantiated in part and the part upheld and identified only is upheld;

5.6.3 • There is insufficient evidence to reach a conclusion, so the complaint is inconclusive and not proven;

5.6.4 • The complaint is not substantiated by the evidence and therefore not upheld;

Decision making

6.1 The decision maker should provide the CEO with all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

6.2 The decision maker should communicate its findings to the complainant, CEO and project manager within 25 school days.

6.3 If the complainant is still not happy at this stage, they should be informed that they can appeal to the AEGIS on the following grounds:

6.3.1 • The direct manager or project manager is acting or proposing to act unreasonably;

6.3.2 • The direct manager or project manager has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

Unreasonable Complaint

7.1 A complaint may be regarded as unreasonable when the person making the complaint: -

7.1.1 • refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;

7.1.2 • refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;

7.1.3 • refuses to accept that certain issues are not within the scope of a complaint's procedure;

7.1.4 • insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

7.1.5 • introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;

7.1.6 • makes unjustified complaints about the staff who are trying to deal with the issues, and seeks to have them replaced;

7.1.7 • changes the basis of the complaint as the investigation proceeds;

7.1.8 • repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

7.1.9 • refuses to accept the findings of the investigation into that complaint where the company's complaint procedure has been fully and properly implemented and completed including referral to AEGIS;

7.1.10 • seeks an unrealistic outcome;

7.1.11 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

7.1.11.1 • maliciously;

7.1.11.2 • aggressively;

7.1.11.3 • using threats, intimidation or violence;

7.1.11.4 • using abusive, offensive or discriminatory language;

7.1.11.5 • knowing it to be false;

7.1.11.6 • using falsified information;

7.2 Whenever possible, the direct manager or project manager or CEO will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complaint. If the behaviour continues the direct manager or project manager will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

7.3 If a parent's behaviour is a cause for concern, the guardians will alert the local authorities about the student's wellbeing and work for hand in hand with the schools to help the child with counselling or other forms of care.

7.4 Amber education should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, considering any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the direct manager or project manager or CEO. Appendix A will explain further on the roles and responsibility of the inspector.

Appendix A

Roles and Responsibilities

The Complainant or person who makes the complaint will receive a more effective response to the complaint if he/she: -

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect. The complaints co-ordinator should: - ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- keep records;
- be aware of issues regarding: - sharing third party information;
- additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the direct manager or project manager as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and responding to the complainant in plain and clear language.
- The person investigating the complaint should make sure that they: conduct interviews with an open mind and be prepared to persist in the questioning;

- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

Investigation

should be taken in these circumstances not to create an intimidating atmosphere. Staff, Parents, or students should be told what the interview is about and that they can have someone with them.

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their direct manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice.
- Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the other senior staff, such as the project manager or CEO.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.