

Document name
Complaints Policy and Procedure

This document is relevant to:	
Central Support Services	✓
Education	✓
Medical Therapy	✓
Residential	✓

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Superseded Documents	Complaints Policy and Procedure 2019
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Changes in this revision	No major changes
Associated Documents	Child protection and safeguarding policy and procedures Admissions policy Exclusions policy Staff grievance procedures Staff disciplinary procedures Learner complaints policy

Equality Impact Assessment

St. John's takes its duties under the Equality Act 2010 seriously. We have assessed the equality implications of this policy during the writing and subsequent reviews of the policy and, where necessary, during SLT and Governor discussions of the policy.

SLT Approval	Approval Date
✓	December 2021
Senior Manager Approval	Approval Date
✓	December 2021
Adopted by Governing Body	Adoption Date
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1. Aims

St. John's aims to meet its statutory obligations when responding to complaints from parents of learners at the school/college, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into St. John's improvement and evaluation processes
- Try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

To support this, we will ensure we publicise the existence of this policy and make it available on the St. John's website.

2. Legislation and guidance

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

The link below shows guidance from CQC which this document and our procedures comply with: <https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-16-receiving-acting-complaints#full-regulation> Care Managers notify CQC of every complaint in their provision via the CQC portal online.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

St. John's will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

St. John's intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline.

Please see our separate policies for procedures relating to these types of complaint.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

St. John's expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Third party reporting:

Complainants may wish to have a third-party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:

- advice organisations
- professionals such as social workers, community psychiatric nurses or doctors, solicitors
- family members or friends.

Facilitators supporting accessibility may include:

- interpreters for second language
- interpreters for the deaf.

Where a third party is helping a complainant with a complaint, we need written consent to that effect. Where we have this authority, we will endeavour to take all possible steps to keep the third party informed of progress on the complaint.

5. Stages of complaint

Stage 1: Informal

St. John's will take informal complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the principal/head teacher/care manager as appropriate, either in person or by letter, telephone or email.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

Inform the head teacher, principal or care manager as appropriate

If the complainant is not satisfied that the complaint has been resolved informally, they should notify the head teacher/principal/care manager as appropriate, either by letter, telephone or email. The complainant should also state what they feel would resolve the complaint.

At the discretion of the principal/head teacher/care manager, they may call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting and should inform St. John's of the identity of their companion in advance.

In certain circumstances, St. John's may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, St. John's will notify the complainant as soon as we are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The principal/head teacher/care manager (or other person appointed for this purpose) will conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 working days* of them making the complaint.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the CEO within 5 working days of receiving the conclusion of the investigation.

* Note timescales may be extended where complaints are made outside of term time.

Stage 3: Formal

Inform the CEO

If the complainant is not satisfied that the complaint has been resolved at stage 2, they should notify the CEO, or head of learner services if a residential matter, either by letter, telephone or email. The complainant should also state what they feel would resolve the complaint.

The complainant should give details of the complaint including any relevant evidence. The complainant should also specify how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation (carried out and written by the CEO or head of learner services or a member of senior staff delegated by them) will be sent to the complainant within 10 working days of the formal complaint being made.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors within 5 working days of receiving the conclusion.

Stage 4: Formal

Inform the chair of governors

If the complainant is not satisfied that the complaint has been resolved at stage 3, they should notify the chair of governors (contact details at the end of this document), either by letter, telephone, or email. The complainant should give details of the complaint including any relevant evidence. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 10 working days of the chair being notified.

Stage 5: Formal

Submit the complaint to an independent reviewer

If the complainant is not satisfied that the complaint has been resolved at stage 4, they should notify the head teacher/principal/head of learner services as appropriate so that an independent reviewer can be appointed by St. John's. This will be a professional who does not work for St. John's but who has knowledge of the special needs sector. The independent reviewer will review complaints that have not been resolved at stages 1 - 4 or for unresolved complaints against the principal or head teacher.

The independent reviewer will convene a review meeting with the complainant and representatives from the school or college, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The independent reviewer, the complainant and the school or college representative(s) will be given the chance to ask and reply to questions.

The complainant, head teacher, principal or head of learner services, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person within 10 days of the complaint being submitted to the independent reviewer.

The school or college will inform those involved of the decision in writing within 10 working days of the complaint being submitted to the independent reviewer.

6. Complaints against the principal, head teacher or CEO

Complaints made against the principal, head teacher or CEO should be directed to the relevant chair of governors, (college chair for principal, school chair for head teacher and the most relevant chair for CEO). The complainant should provide details such as the nature of the complaint, relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

7. Persistent complaints

Where a complainant tries to re-open the issue with St. John's after the complaint procedure has been fully exhausted and St. John's has done everything it reasonably can in response to the complaint, the chair of governors will inform the complainant that the matter is closed.

If the complainant subsequently contacts St. John's again about the same issue, St. John's can choose not to respond. The normal circumstance in which we will not respond is if:

- St. John's has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of St. John's position and their options (if any), and
- The complainant is contacting St. John's repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

St. John's will be most likely to choose not to respond if:

- St. John's has reason to believe the individual is contacting St. John's with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, St. John's staff.

Unreasonable behaviour, which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

St. John's will ensure when making this decision that complainants making any new complaint are heard, and that St. John's acts reasonably.

8. Record-keeping

St. John's will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or reviewing the complaint within the stages as outlined in this policy.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school, college or residential home inspection by Ofsted, CQC or a local authority.

Records of complaints will be kept for 10 years.

9. Monitoring arrangements

The governing board for the school and college will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. A report tracking the number and nature of complaints will be presented at each board meeting. The governing board for the school and college will review any underlying issues raised by complaints with the head teacher/principal/head of learner services, where appropriate, and, respecting confidentiality, determine whether there are any improvements St. John's can make to its procedures or practice to help prevent similar events in the future.

10. How to make a complaint

Stages 1 and 2

If you have not been able to resolve the complaint informally or feel a formal complaint is more appropriate, please follow one of the options below.

For complaints relating to the school or residential school contact:

Anthony Carlo (acting head teacher) 01323 872940 or email complaints@st-johns.co.uk

For complaints relating to the college contact:

Karen Grist (principal) 01273 244000 or email complaints@st-johns.co.uk

For complaints relating to the adult residential service contact:

The relevant care manager via 01273 244000 or email complaints@st-johns.co.uk

Stages 3 - 5

To **contact the CEO**, you should write to, Simon Charleton, St. John's School and College, 17 Walpole Road, Brighton, BN2 0AF or call reception 01273 244000.

To contact the **chair of governors for the college**, you should write to, Caroline Bell, St. John's College, 17 Walpole Road, Brighton, BN2 0AF or call reception on 01273 244000.

To contact the **chair of governors for the school**, you should write to, Karen Nicholls, St. John's School, Firle Road, Seaford, BN25 2HU, or call reception on 01323872940.