

Witham Prospect School
Complaints Policy
Children and Young People (supporting adults guide)

Relevant legislation and guidance:

- Best Practice Advice for Schools – Complaints Procedures 2016
- The Education (Pupil Information) (England) Regulations 2005
- Care Quality Standards 2015
- Children Act 1989 Guidance and Regulations Volume 5: Children’s Homes
- Data Protection Act
- Freedom of Information Act
- Section 29 of the Education Act 2002
- Working Together to Safeguard Children, a guide to multi-agency working to help, protect and promote the welfare of children (revised latest version) – HM Government.
- The Education (Independent School Standards) Regulations 2014 (latest available, revised) – UK Gov.
- The Children’s Homes (England) Regulations 2015 – UK Gov.
- Guide to the Children’s Homes Regulations, including the quality standards April 2015 – DFE.
- Social Care Common Inspection Framework SCCIF: children’s homes (latest version) – OFSTED.

Applies to:

This policy is specifically for children and young people of the school who wish to make a complaint, and it will be used *as a guide by the adult who is supporting the young person to make a complaint*. There are two other complaints policies that can be accessed. One for parents/guardians/carers concerns which includes concerns of visitors to the school and a further policy under the umbrella of Human Resources which allows for staff to make complaints against their colleagues or their employment.

Availability:

This policy is available via the school website or on request from the school office. Complaints procedures will be issued to parents/carers in the new pupil starter pack prior to admission.

Monitoring and review:

This policy will be monitored and refined on a continuous basis and reviewed bi-annually by either the Directors, Director of Education, Registered Manager or a member of the Senior Leadership Team. It will be reviewed earlier if changes in legislation, regulatory requirements or best practice guidelines so require.

Author:	Joanne Stevens	Signed:		Date:	October 2024
Approved:	Gemma Collins	Signed		Date:	October 2024
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A complaint is an expression of dissatisfaction and it is vital that children and young people living within the children's home and/or accessing the school feel able to talk about concerns or voice their complaints and be confident that they will be believed and helped. This is crucial to creating a safe and caring environment and following investigation of the complaint the outcome can be utilised to help the children's home and/or school identify any short fall in the standard of service that we provide.

Witham Prospect School operates a keyworker system and although children and young people can go to any adult that they trust to raise a complaint or to ask them to raise a complaint on their behalf, keyworkers will be expected to take an interest in their key child and be alert to the need to listen and respond to anything that may be affecting their health, safety and emotional well-being. All staff need to respond to any indication from a child that they are unhappy and to appreciate that unusual actions that the child may undertake or unexpected behaviours that they may display could be a result of the child trying to communicate a complaint.

Children and young people placed at Witham Prospect School may not be able to verbally communicate and through their training staff should be in the best position to respond to complaints or concerns made via the use of Makaton sign language, PECS (Picture Exchange Communication System) or Rebus symbols. A simplified version of this Complaints Policy can be requested along with a simplified version of the complaints form, both of which will utilise the Widgit Symbol system for children and young people.

SECTION 1

GENERAL PRINCIPLES

- This procedure is intended to allow you to raise a concern or complaint relating to the standard of service, the facilities that we provide, our treatment of you and the actions or lack of actions by staff employed by or volunteers for Witham Prospect School.
- The school will follow this procedure when dealing with complaints from children and young people, either in person or by someone on their behalf, but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so. Complainants will be informed about the procedure that will be used to consider their complaint as soon as possible after their complaint is received by the school. For instance – a child protection complaint will be dealt with under the Child Protection (Safeguarding) Policy.
- This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:
 - ❖ Staff Grievances or Disciplinary Procedures
 - ❖ Admissions, Exclusions
 - ❖ Issues Related to Child Protection
 - ❖ Statements of SEND/EHC Plans

- ❖ Financial irregularity or Fraud
 - ❖ Complaints about the children's home or school's response to issues between estranged parents unless there has been a conflict resulting from the children's home or school not following an order from a parent regarding visiting rights or court orders.
 - ❖ School re-organisation proposals
 - ❖ School exclusions – information can be found to help with this concern on www.gov.uk/school-discipline-exclusions
 - ❖ Whistleblowing – the children's home and school has a separate policy for this or concerns can be raised with Ofsted on 0300 123 3155 or whistleblowing@ofsted.gov.uk
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- **The aims of the procedure are:**
 - To deal with any complaint against the children's home or school or any individual connected with it by following the correct procedure.
 - To deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant.
 - To ensure that staff are aware of this complaints procedure and that they are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

Understanding this procedure

To investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our children and young people to seek help if necessary to make a complaint. Help can be sort from, the keyworker, a parent, your social worker or the school's independent visitor. Children and young people can also access or request access on their behalf to the NYAS (National Youth Advocacy Service) on: **0808 808 1001** or help@nyas.net

To enable a proper investigation, concerns or complaints should be brought to the attention of The Registered Manager, Director of Care or Headteacher as soon as possible. In general, any matter raised more than 6 months after the event being complained of will not be considered. However, the children's home or school may make exceptions to this, especially if the delay was caused by the child not being able to access a suitable trusted adult or express their concern independently.

- If, at any stage, the children's home or school believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the Registered Manager, Headteacher or Director of Care (as appropriate) may write to you to refuse to consider the concern or complaint under this procedure and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may appeal the decision to the Chair of Directors.

- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.
- If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.
- A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required during a school/children's home inspection or under other legal authority.
- In this procedure: "school days" excludes weekends, "parent" means a parent, carer or anyone with legal responsibility for a child.

STAGE ONE - RAISING A CONCERN OR COMPLAINT

1 Informal Stage

Many concerns can be resolved by simple clarification or the provision of information. Informal complaints/concerns made by a child or on a child's behalf should be taken seriously and dealt with in a professional manner. This should reduce, although not exclude, concerns/complaints needing to be upgraded to formal complaints. **At this stage please utilise form 1 to briefly record the initial complaint or concern – then follow procedure.**

Where a complaint is about an operational issue regarding the education department or residential children's home:

It would normally be appropriate to communicate directly with the school Headteacher or the children's home Registered Manager. It is understood that children and young people may not wish to undertake this themselves and therefore a simplified version of the complaint form is available on request, which can include the use of symbols etc.

Where the complaint is about a member of staff:

If the complainant raised issues of Child Protection or abuse, then the Safeguarding (Child Protection) Policy should be immediately actioned – even if the child indicates that they do not wish to complain under this policy.

If the complaint submitted does not raise such issues the child can choose to speak informally to the staff member (supported) about whom they are making the complaint. This meeting should always take place with the knowledge of the children's home Registered Manager for all residential children and young people. If the child does not wish to talk directly to the staff member themselves the complaint should be considered by a member of the Senior Leadership Team most appropriate.

No person who is the subject of a complaint should take part in its resolution, other than, if the registered manager or headteacher thinks it appropriate and the complaint is at the informal stage. Records should be always be made and maintained.

It is important to remember in all cases we would like any child who is unhappy to talk to a senior member of staff, the Headteacher or the Registered Manager at any time and should be encouraged to do so by maintaining an open and un-officious ethos. Children should also be allowed to call anyone whom they think can help them with their problem and be assisted by staff to do so, with privacy being given where possible.

Witham prospect School employs an independent advocate who visits the children's home on a monthly basis. The independent advocates role is to be accessible to the children and young people and can support with raising complaints (Independent Children's Advocate – Kelly Harris)

The Registered Manager or Headteacher should make an informed decision as to whether the complaint, albeit at the informal stage, is serious enough for the child's parent/carer or social worker to be informed.

It is anticipated that most complaints will be resolved by this informal stage within 15 working school days of being notified of the complaint. This is not to infer that complaints can only be escalated to the next stage if the children's home or school permits it.

If the complaint involves one or more of the directors of the school and the complainant feels that there may be a conflict (family or otherwise) then the member of staff who originally hears the complaint should refer to the Human Resources department. Human Resources is bound by their own professional ethics to be independent and view any complaint brought to them in isolation, they, in turn, have the ability to contact Croner, which is the company who advise the children's home and school on all aspects of employment law and operational issues. They advise based on the facts before them and have no bias regarding level of seniority or family relationships. The Regulation 44 Independent visitor can also be contacted for impartial advice on davidh@grahamsconsultants.co.uk

2 Formal Stage

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing. If you are unable to do this your keyworker can help you, if your keyworker is not available you can ask any member of staff that you trust, your parent, a friend who is at school or children's home with you or the independent inspector. You can use **Appendix 3** if this is in writing or a simplified version of the complaint form is available on request (which your keyworker or trusted member of staff can help you with), which can include the use of symbols etc. You can request a verbal/auditory version of this form.

- If your complaint is about the school's Headteacher or the children's home Registered Manager you should contact one of the directors, who all work on-site and are accessible to the children and young people. Your keyworker or any other member of staff that you trust can help you to access one of the directors.
- All other complaints can be lodged with either the Headteacher or the Registered Manager dependent on whether your complaint is about Education or Residential Care. Again, your keyworker or any other member of staff that you trust can help you with this.
- Do not worry, the person you are complaining about will not be looking at your complaint or dealing with it within this stage.

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the children's home or school to take to resolve your concern.

Your written complaint will be acknowledged within 5 school days of receipt. You may be invited to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by one other person such as a relative or friend, who should not be legally qualified, to assist you in explaining the nature of your concerns.

Where possible, this meeting will take place within 10 school days of receipt of the written complaint. Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated.

If necessary, witnesses will be interviewed, and statements taken from those involved. If the complaint centres on another child, the child should also be interviewed. Children and young people should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the child has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the child feels comfortable should be present.

In all cases where you or another child is to be interviewed or asked to be a witness, regardless of whether your parent is present, allowances will be made for your level of understanding or ability to communicate and if the children's home or school feel this course of action would be detrimental to you we will discuss this with your representative.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the children's home or school will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Review Panel.

If in the early stages of the investigation, the Headteacher, Registered Manager or a member of the Board of Directors considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the Directors and you will be informed of this action without delay.

3 Review Panel Hearing Stage

If you are dissatisfied with the decision of the Headteacher, Registered Manager or representative of the Board of Directors under the Formal Stage, you may request that a Review Panel is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing by the Review Panel, you should write confidentially to the school secretary within 10 school days of receiving notice of the outcome of the Formal Stage (sample pro forma Appendix 5). Please request help with this from an adult that you trust. A simplified version of the Review Panel Hearing request form is available on request.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire. You may wish to use the simplified version of the Complaint Review Request Form provided. The school secretary, Headteacher, Registered Manager or representative of the Board of Directors (whichever is relevant) will acknowledge your request in writing within 5 school days of receipt.

The review will be conducted by a panel of at least 3 members, consisting of two Directors and one other person who is independent of the management and running of the school.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practical, and in any event at least 5 working days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. Fair consideration will be given to any bona fide objection to a member of the Panel. Copies of any additional documents you wish the Panel to consider should be sent to the school secretary at least 3 days prior to the hearing. The Panel reserves the right not to consider any documentation presented after this.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the school in defence of the complaint, will be provided to the Review Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you and the defendants (as applicable) at least 3 school days before the hearing. The Review Panel reserves the right not to consider any documentation presented by either you or the children's home/school, less than 3 school days prior to the hearing. The Review Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

You will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend, who should not be legally qualified. The school secretary or if not appropriate another nominated person will also attend the hearing to keep a record of the proceedings.

The Review Panel will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

Unless otherwise stated, the procedure for an appeal is as follows:

- the complainant and Headteacher or Registered Manager will enter the hearing together.
- the Chair of the Review Panel will introduce the panel members and outline the process.
- the complainant will explain the complaint (with support)
- the Headteacher or Registered Manager and committee members will question the complainant
- the children's home or school's actions will be explained
- the complainant and the committee members will question the Headteacher or Registered Manager
- the complainant will sum up their complaint
- the Headteacher or Registered Manager will sum up the children's home or school's actions
- the Chair of the panel will explain that both parties will hear from the committee within 5 school days
- both parties will leave together while the panel decides
- the person nominated to take notes will stay to assist the panel with its decision making

After the hearing, the Panel will consider their decision and inform you and the Headteacher or Registered Manager of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The Panel can:

- Request further information from you and/or the children's home/school to assist them in making their decision
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the children's home or school's systems or procedures to ensure that problems of a similar nature do not reoccur

RECORDS OF COMPLAINTS

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or where disclosure is required during a children's home or school inspection or under other legal authority.

Complainants have the right to copies of related records under the Freedom of Information and Data Protection Acts. The children's home or school, however, must be given an appropriate amount of time to expunge reference to non-related children and young people from any records before they are shared.

CONDUCT AND BEHAVIOUR

Complainant's are expected to conduct themselves in a respectful and calm manner throughout the complaints process. Where a child or their representative does not conduct themselves in the expected way we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Senior Leadership Team or Directors, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant warning of that action.

MONITORING

Witham Prospect School will continuously monitor and evaluate its system for dealing with complaints to ensure that we respond effectively and efficiently. A written record is kept of all complaints and the outcomes, including the stage at which they are resolved. These records can be made available to inspectors for their perusal.

In addition to this complaints procedure, children and young people, parents and staff can access the complaints procedure of their placing authority or contact;

Ofsted National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 123 1231

Email: enquiries@ofsted.gov.uk

Or

Lincolnshire Social Services Child Care Team
Tel: 01522 554135

SUMMARY OF COMPLAINTS PROCEDURE

Stage 1: Informal concerns	Complainant brings complaint to attention of • School or residential home complaints – member of staff • Headteacher or Registered Manager complaints - Directors Complete form 1
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, child to be advised that they may proceed to Stage 2
Stage 2: Formal Written Complaint	Complainant to put complaint in writing using Complaint Form (appendix 3) to • School or residential home complaints – Headteacher or Registered Manager • Headteacher or Registered Manager complaint - Directors
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with child within 10 school days
	Response to the complaint sent within 15 school days
Stage 3: Referral to Review Panel	Complainant to request hearing within 10 school days of receiving notice of the outcome of Stage 2 (appendix 5)
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the Review Panel present sent at least 5 school days before the hearing
	School and complainant to submit evidence in support of their case to School secretary at least 3 school days before the hearing
	Review Panel decision sent not more than 5 school days after the hearing

School and Residential Home informal complaints:

Headteacher or Registered Manager at:
Witham Prospect School
Old Harbour Farm
Newark Road
Norton Disney
Lincs.
LN6 9JR

School and Residential Home formal complaints:

Headteacher, Registered Manager or Directors at:
Witham Prospect School
Old Harbour Farm
Newark Road
Norton Disney, Lincs.
LN6 9JR

Or
Chair of the Board of Directors
Longboat Special Education Ltd (parent company)
c/o Hill Top Farm
Danethorpe Lane
Danethorpe Hill
Newark
NG24 2PD

School Secretary

Jayne Stothard
Witham Prospect School
Old Harbour Farm
Newark Road
Norton Disney, Lincs.
LN6 9JR

Appendix 3

Confidential

Proforma for the registration of a formal complaint.

Use of this form is not obligatory, to comply with the Equality Act 2010 the children's home or school will accept alternative methods of contact or ways of complaining in case of disability, learning disability, English as a second language or other restrictions. We are happy to accept concerns or complaints via methods such as email, letter, telephone conversation (notes to be taken by recipient) or with a translator present.

Details of person recording complaint:

Name:

Address: (workplace if staff member)

Tel No (work)

(Home or mobile)

Email:

Child details: (if applicable – complaints do not need to be child based and as such a child does not have to be named)

Name:

On which dates or over what period did the event(s) take place that have raised your concern or complaint.

Are you aware of anyone who might be able to provide and further information about this issue?

Details of complaint (Please state clearly the nature of the complaint)

Have you already raised this issue as an informal complaint or a concern? If so please provide details as to whom you informed, when and any details of further communications you have had with that person as a result.

Please use a separate sheet if necessary, please number and initial any further sheets.

Signed:

Date:

Date form received:

Date issue resolved:

Action taken

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Appendix 5

Confidential

Pro Forma for requesting a Review Panel Hearing

Use of this form is not obligatory, to comply with the Equality Act 2010 the children's home or school will accept alternative methods of contact or ways of complaining in cases of disability, learning disability, English as a Second Language or other restrictions.

We are happy to accept email, letters or this request made via our Widgeit version of this form.

This form should be used to formally request a review panel meeting

Your details:

Name:

Contact details: (this can be a trusted adult)

Have you already had your complaint addressed using stage 1 & stage 2 of the Complaints Policy (if not, please explain why or undertake these stages.)

Please complete the following – cross out the one that does not apply

I have undertaken stages 1 & 2 and wish to have my case heard at a Review panel meeting OR

I have not undertaken stages 1 & 2 for the reasons given above.

I do not agree with the decision made at stage 2 for the following reasons:

If you have further information that you wish to present to the review panel meeting, please indicate here and make sure that it is received by the panel at least three days before the hearing date.

Office use only

Date Review Panel meeting request received

Date Stage 1 completed

Date Stage 2 completed

Date invites sent out

Date further information received

Date outcome letter sent out

FORM 1

**Complaints and Concerns
Initial or Informal stage**

Date:	Complaint or Concern
	Staff signature: _____ Staff name: _____
	Pupil signature where appropriate: _____ Pupil name: _____

Date:	Action taken
	Staff signature: _____ Staff name: _____

Date:	Outcome (please indicate if referred to Safeguarding)
	Staff signature: _____ Staff name: _____

Reviewed date:	Manager:
Reviewed date:	Director