

# COMPLIMENTS AND COMPLAINTS

## THIS POLICY RELATES TO CHAILEY HERITAGE FOUNDATION

<b>Lead:</b>	Helen Hewitt	<b>Role:</b>	Chief Executive
<b>Support from:</b>	Simon Yates Denise Banks	<b>Role:</b>	Headteacher Director of Social Care

<b>Agreed by:</b>	Welfare and Safeguarding	<b>Signature:</b>	On original document
<b>Date:</b>	8 <sup>th</sup> June 2015	<b>Name:</b>	Peter Griffiths
<b>Agreed by:</b>	Governing Body	<b>Signature:</b>	On original document
<b>Date:</b>	13 <sup>th</sup> July 2015	<b>Name:</b>	Dr Elizabeth Green

<b>Review Frequency:</b>	5 years
<b>Next Review Process to Start:</b>	Summer 2020
<b>This Policy will remain valid during the review process</b>	

### LINKED DOCUMENTS:

Children's Home Regulations and Quality Standards 2015  
CQC Fundamental Standards  
All Policies, Procedures, Guidelines, Protocols for Chailey Heritage Foundation

**APPENDICES:**

Appendix 1 – Complaints Response Form

**VERSION CONTROL:**

Autumn 2017	Change of process to include offer of a meeting prior to formal investigation, and prior to appeal	OM3
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# COMPLIMENTS AND COMPLAINTS POLICY FOR CHAILEY HERITAGE FOUNDATION

## 1. PURPOSE AND SCOPE

- 1.1 Chailey Heritage Foundation (CHF) strives to operate to the highest standards. We welcome feedback from individuals and organizations we work with, including parents and carers, stakeholders and from our neighbours in the local community. Such feedback is invaluable in helping us to evaluate and improve our work.
- 1.2 CHF has a single Compliments and Complaints Policy covering all of its activities and services, including Chailey Heritage School, Chailey Heritage Residential, Chailey Heritage Futures, the Life Skills Centre and The Hub. This policy follows The Education (Non Maintained Special Schools) (England) Regulations 2011.
- 1.3 This policy does not relate to situations where CHF employees have a complaint or grievance. In these circumstances, staff should refer to the internal grievance procedure.
- 1.4 Trustees and Governors who wish to make a complaint are expected to follow the procedure outlined in this policy.
- 1.5 The overall objectives of the Compliments and Complaints Policy are to ensure that:
  - a) everyone knows how to provide feedback and specifically how a complaint will be handled;
  - b) complaints are dealt with consistently, fairly and within clear timeframes;
  - c) feedback is monitored and used to improve our services and celebrate our successes.
- 1.6 The Compliments and Complaints Policy will:
  - a) encourage resolution of concerns by informal means where appropriate;
  - b) be easily accessible and publicised;
  - c) be simple to understand and use;
  - d) be impartial and non-adversarial;
  - e) allow swift handling with established time-limits for action and keeping people informed of the progress;
  - f) respect confidentiality and data protection;
  - g) provide information to CHF's Trustee Board, Governing Body and Senior Management Teams so that services can be improved;
  - h) collect positive feedback about services that support and encourages staff teams, and demonstrates the impact of CHF's work.
- 1.7 For the purpose of this policy, a working day is considered to be Monday to Friday. However, for school related complaints, a working day is Monday to Friday during term time. (See also point 6.9 below).

## **2. WHO IS INVOLVED IN THE PROCESS?**

- 2.1 The Admin Manager will act as the Complaints Co-ordinator and is responsible for ensuring that this policy is followed and information is recorded properly.
- 2.2 Dependent on the nature of the complaint, an Investigating Officer will be appointed from within CHF's Leadership Teams to investigate a complaint if there are appropriate reasons for doing so. In the absence of the Complaints Co-ordinator the Chief Executive will nominate an alternative Complaints Co-ordinator.
- 2.3 If the complaint concerns the Complaints Co-ordinator, the Chief Executive will nominate an alternative person to manage this complaint. .
- 2.3 If a complaint concerns the Chief Executive, Chair of Governors or a Trustee, the Chair of the Board of Trustees will manage the complaints process.
- 2.4 If the complaint concerns a Governor, the Chair of Governors will manage the complaints process.
- 2.5 Compliments and complaints received anonymously will be recorded and considered but action may be limited if further information is required to ensure a full and fair investigation. All anonymous complaints will be directed to the Complaints Co-ordinator.

## **3. COMPLIMENTS PROCESS**

- 3.1 It is the responsibility of all CHF staff to record verbal or written compliments in their service's compliments record and in the Central Record of Compliments held by the Complaints Co-ordinator. Managers are responsible for ensuring that the staff named within a compliment are informed and thanked. Feedback on compliments will be shared with the Foundation Leadership Teams and staff at regular intervals.

## **4. COMPLAINTS PROCESS**

- 4.1 Individuals wishing to make a complaint should contact the person who provided the service at the earliest opportunity. Alternatively they can write to the Complaints Co-ordinator
- 4.2 If the complaint involves financial loss or the risk of compensation, the matter may be passed to CHF's Insurers who may communicate directly with the complainant. In such cases, the situation will be explained to the complainant and no further action taken until or unless the Insurers remit the case to CHF. Similar arrangements apply should a safeguarding issue be identified,

4.3 There are three stages to CHF's complaints policy:

Stage One	Raising a concern – Informal Stage
Stage Two	Making a formal complaint
Stage Three	Appealing the outcome of a formal complaint

## 5. STAGE ONE - RAISING A CONCERN

- 5.1 CHF aims to resolve concerns quickly and satisfactorily. In some instances it may be possible to resolve these informally by way of an apology or explanation, or by simply providing the information requested.
- 5.2 Where appropriate, the Service Manager<sup>1</sup>, will ask the person raising a concern if they are content for this matter to be dealt with informally.
- 5.3 Where it is appropriate to deal with a concern informally, it is important that the relevant member of staff concerned has the first opportunity to resolve the matter quickly. It is their responsibility to inform the person who raised a concern of the action taken. Trustees, Governors and other CHF staff will not become involved in the matter at this stage as it may compromise their role if the concern proceeds to a later stage of the process.
- 5.4 Any concern regarding safeguarding or pupil welfare must be immediately reported to the Safeguarding Team who are: Headteacher, Director of Social Care, First Deputy Head, Head of Residential Operations, Social Care Quality Assurance Manager, Staff and Pupil Support Manager.
- 5.5 All informal complaints will be recorded in a common format. A record will be kept of concerns raised and action taken. These records are reviewed regularly by senior managers and reported termly to the Governing Board. CHF encourages staff to reflect on concerns raised and record any changes that should be made on the "lessons learned" form and discuss them with senior managers.
- 5.6 Where a concern cannot be resolved informally, or when it would be inappropriate to pursue an informal route, or the complainant wishes to make a formal complaint immediately, the member of staff should inform the Complaints Co-ordinator who will instigate the formal complaints process.

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<sup>1</sup> eg, Headteacher or Children's Home Registered Manager, Futures CQC Registered Managers, Estates Manager, or relevant Director

## **6. STAGE TWO - MAKING A FORMAL COMPLAINT**

- 6.1 This stage deals with matters that could not be resolved informally or where it would be inappropriate to seek to resolve an issue through informal means.
- 6.2 An Investigating Officer will be appointed, and is responsible for this stage of the complaints process, to investigate a complaint if there are appropriate reasons for doing so.
- 6.3 The Investigating Officer will immediately inform the Safeguarding Team of any complaint regarding safeguarding and the welfare of pupils or young adults. Any issue that may lead to disciplinary action will be notified to the HR Director.
- 6.4 The formal complaints process starts when there is sufficient information to begin an investigation and would normally only commence after the complainant has made a complaint in writing. Clearly there are some circumstances where it would be inappropriate to wait for a complaint to be received in writing and the decision to proceed to an investigation is a matter for the relevant senior Service Manager in consultation with the Complaints Co-ordinator.
- 6.5 On receipt of a formal complaint, the Complaints Co-ordinator will log the complaint on the Complaints Log and issue a reference number.
- 6.6 Where the written formal complaint process is triggered by a verbal complaint, the relevant Service Manager will capture the nature of the complaint and ensure that this information is recorded in the Complaints Log.
- 6.7 Verbal complaints, without written confirmation, will only be accepted in very limited circumstances, eg if the complainant has disabilities, in which case we would encourage an independent advocate to become involved.
- 6.8 A senior manager from the relevant service will contact the complainant within 48 hours of a formal complaint being received wherever possible and will advise the Complaints Co-ordinator of the date and time of the call.
- 6.9 All formal complaints will be acknowledged within three working days, wherever possible. If a school related formal complaint is received after the end of term, every effort will be made to acknowledge the complaint within this timescale but any investigation may have to wait until staff have returned.
- 6.10 The Investigating Officer is responsible for investigating the formal complaint and will ensure that all information and evidence is captured and logged within the Complaints Log.
- 6.11 The Investigating Officer will offer the parent/s a meeting to better understand their perspective.

- 6.12 Complaints will usually be dealt with within 30 working days from receipt. However, some complaints may take longer to investigate than others. If a longer period is required, we will agree a longer timescale with the complainant as the complaint proceeds.
- 6.13 Following an investigation, the Investigating Officer will provide a written response to the complainant within 30 working days (see also 6.9 above). The written response will confirm the outcome of the investigation and what action is being proposed as a result. The response will be copied to the Head of the Service involved, the Chief Executive and the Chair of Governors or Trustees as appropriate. The complainant will be asked to complete a Complaint Response Form to indicate whether they are satisfied with the outcome or whether they wish to advance to 'Stage Three - Appeal'.
- 6.14 On receipt of the Complaint Response Form, the Complaints Co-ordinator in liaison with the Investigating Officer will log this information and instigate 'Stage Three - Appeal' if required.
- 6.15 Prior to any appeal, the Investigating Officer will offer the parent/s an opportunity to meet to go through the outcomes from the complaint.

## **7. STAGE THREE - AN APPEAL FOLLOWING THE OUTCOME OF A FORMAL COMPLAINT**

- 7.1 If the complainant is dissatisfied with the outcome of a formal complaint and wishes to appeal, this must be done in writing within 15 days either by completing the Complaint Response Form or by letter addressed to the Chief Executive who is responsible for Stage 3 of the complaint process.
- 7.2 If the complaint concerns Chailey Heritage School, in accordance with the latest statutory regulations covering Non-Maintained Special Schools, the Chief Executive will ensure that:
- a) an investigation relating to an appeal against the outcome of a formal complaint relating to Chailey Heritage School will be undertaken by an independent person who:
    - has not, at any time, been a Governor of, member of staff, or member of supply staff, at the school
    - is not the parent of a registered pupil, or former registered pupil, at the school
    - has not been directly involved in any matter detailed in the complaint.
  - b) the complainant, proprietor and headteacher, and where relevant, the person complained about, are to be given a copy of any findings and recommendations.

**This is the end of the complaints process for complaints relating to the school.**

- 7.3 For all other complaints, the Chief Executive will respond, in writing within 5 working days, offering the complainant:
- a) the opportunity for an appeal to be heard by a Governors' or Trustees' Appeals Panel, or
  - b) the option of requesting an external review by someone independent of the CHF.
- 7.4 **Appeals Panel**
- 7.5 The composition of the Appeals Panel will depend on the nature of the complaint. If the complaint relates to Chailey Heritage School, the Chair of Governors will arrange for a panel of Governors to act as the Independent Review Panel. Equally, if the complaint relates to the activity of the wider charity, it may be more appropriate for three Trustees to be appointed to act as the Independent Review Panel
- 7.6 The complainant will be given 10 working days' notice of the date of the appeal and must confirm their intention to either:
- a) attend in person to put their case; or
  - b) send written representations.
- 7.7 The complainant attending in person may be accompanied by a friend but may not be formally represented unless by an advocate for reason of disability.
- 7.8 The Panel will hear the arguments put forward by the complainant and any representations from CHF. The Panel members may ask questions of either party and may request the presence of the independent investigator and /or seek advice from the Chief Executive or other competent person.
- 7.9 The Appeals Panel will confirm in writing any of the following actions:
- a) no further action is required and the matter is deemed to be closed;
  - b) overturn the Stage 2 decision and recommend specific actions;
  - c) recommend changes to internal systems and processes to reduce the possibility of similar complaints in the future.
- 7.10 The decision of the Review Panel will be communicated to the complainant in writing within 5 working days of a decision being made. The decision is final and absolute. This is the final stage of the CHF's Complaints process. There is no further avenue for complaint.
- 7.11 The outcome of the appeal and the actions taken by the Review Panel will be reported to the Governing and Trustee Boards.

## 7.12 **Independent Investigation**

- 7.13 This is an alternative to a hearing by an Appeal Panel. This is the final stage of the CHF's Complaints Policy.
- 7.14 If a complainant remains dissatisfied with the outcome of the Stage 2 investigation s/he may request an independent review. Any request must be made in writing to Chief Executive within 15 working days of the date of the letter confirming the outcome of the formal complaint (stage 2)
- 7.15 The Chief Executive will appoint an independent person to undertake an investigation into the complaint and to make recommendations to the Governors and/or Trustees.
- 7.16 The independent person appointed must not at any time have been:
- a) a Governor, Trustee, of, member of staff, or member of supply staff of CHF
  - b) a parent/ carer of an individual who has received a service from CHF
  - c) involved directly in any matter detailed in the complaint.
- 7.17 However s/he must have the knowledge and/or experience to complete the review.
- 7.18 The Independent person will be given access to all relevant documentation and facilitated to talk with such staff as s/he reasonably identifies and with the complainant. S/he will prepare a report for the Chief Executive within an agreed timescale.
- 7.19 The Chief Executive will ensure that
- a) the complainant, relevant manager and where relevant, the person complained about, receives a copy of any findings and recommendations;
  - b) action is taken to comply with the recommendations;
  - c) the outcome of the independent investigation and recommendations are reported to Governors and Trustees at their next Board meeting.

## **8. JOINT COMPLAINTS INVOLVING CHAILEY HERITAGE FOUNDATION AND CHAILEY HERITAGE CLINICAL SERVICES – FURTHER ACTIONS TO BE TAKEN JOINTLY**

- 8.1 Each organisation will appoint an Investigating Officer and this information will be shared with each other within 3 working days. A letter of acknowledgement will be agreed between the two organisations and sent to complainant.
- 8.2 Investigating Officers will send their draft responses to each other within 10 working days.
- 8.3 Both organisations will respond to each other's draft responses within 15 working days and each of the responses will indicate that a separate response will come from both parties, ie CHF and Chailey Heritage Clinical Services.



- 8.4 Both organisations will agree final responses within 25 days and send to complainant.
- 8.5 Both services will jointly check all actions have been implemented

## **9. INTERNAL REPORTING OF COMPLIMENTS AND COMPLAINTS**

- 9.1 Compliments and complaints information will be considered on a regular basis by the Operational Management Group (OM3) and reports will be provided to the full Governing and Trustee Boards at their meetings as requested by Trustees and Governors.

## STAGE ONE DIAGRAM RAISING A CONCERN

<b>SITUATION:</b>	A member of staff is made aware of a concern.
<b>ACTION:</b>	<ul style="list-style-type: none"> <li>• The member of staff will clarify if the matter is to be dealt with informally or whether the person raising the concern wishes to make a formal complaint, in which case the matter will be referred for investigation as described in Stage Two.</li> <li>• If the concern relates to safeguarding or pupil welfare, it will be immediately reported to the Safeguarding Team who are: Headteacher, Director of Social Care, First Deputy Head, Head of Residential Operations, Social Care Quality Assurance Manager, Staff, Pupil Support Manager and Community Operations Manager.</li> <li>• Where a concern is of such severity that it would be inappropriate to pursue an informal route, it should be reported to the Service Manager who will instigate the formal complaints process as described in Stage Two.</li> </ul>



<b>SITUATION:</b>	It is appropriate for the matter to be dealt with informally.
<b>ACTION:</b>	<ul style="list-style-type: none"> <li>• The member of staff concerned will seek to resolve the matter as quickly as possible and inform the person who raised a concern of the action taken.</li> <li>• The member of staff will keep a record of concern and action taken.</li> </ul>



<b>SITUATION:</b>	The complainant is not satisfied with the response to their concern, and the action that is being proposed as a result.
<b>ACTION:</b>	The member of staff concerned should provide the complainant with a copy of the Compliments and Complaints Policy and advise them to make a formal complaint to the relevant Service Manager or to the Complaints Co-ordinator.



<p><b>MOVE TO STAGE TWO MAKING A FORMAL COMPLAINT</b></p>
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## STAGE TWO DIAGRAM

### MAKING A FORMAL COMPLAINT

<b>SITUATION:</b>	A concern could not be resolved informally or an individual wishes to make a formal complaint.
<b>ACTION:</b>	<ul style="list-style-type: none"> <li>• An investigating Officer will be responsible for this stage of the complaints process to investigate a complaint if there are appropriate reasons for doing so.</li> <li>• The Investigating Officer will immediately inform the Safeguarding Team of any complaint regarding safeguarding and pupil welfare.</li> <li>• The formal complaints process will start when there is sufficient information to begin an investigation - usually only after the complainant has registered the complaint in writing.</li> <li>• On receipt of a formal complaint, the Complaints Co-ordinator will log the complaint on the Complaint Log and issue a reference number.</li> </ul>



<b>SITUATION:</b>	A formal complaint has been received and logged on the Complaints Log.
<b>ACTION:</b>	<ul style="list-style-type: none"> <li>• A senior manager from the service will contact the complainant within 48 hours of complaint being received wherever possible.</li> <li>• The Investigating Officer will offer the parent/s an opportunity to meet to discuss their perspective.</li> <li>• The Complaints Co-ordinator will acknowledge the complaint in writing within three working days wherever possible.</li> <li>• The appointed Investigating Officer will investigate the complaint and provide a written response within 30 working days. The written response will confirm the outcome of the investigation and what action is being proposed as a result.</li> </ul>



<b>SITUATION:</b>	The complainant is not satisfied with the response to their complaint, and the action that is being proposed as a result.
<b>ACTION:</b>	The complainant may appeal the outcome of the investigation.



<p><b>MOVE TO STAGE THREE</b> <b>APPEALING THE OUTCOME OF A FORMAL COMPLAINT</b></p>	
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## STAGE THREE DIAGRAM

## APPEALING THE OUTCOME OF A FORMAL COMPLAINT

<b>SITUATION:</b>	A complaint has been investigated but the complainant is not satisfied with the outcome and actions proposed by the Investigating Officer.
<b>ACTION:</b>	The complainant must write to the Complaints Co-ordinator of CHF or complete and return a Complaint Response Form within 15 working days of receiving the Investigating Officer's written response.  The Investigating Officer will offer the parent/s an opportunity to come in to discuss the outcomes from the complaint prior to appeal.



<b>SITUATION:</b>	The Chief Executive will review the Stage Two investigation led by the appointed Investigating Officer. Where the appeal relates to a complaint about Chailey Heritage School, the Chief Executive will ensure that any review is undertaken by an independent person who: <ul style="list-style-type: none"> <li>• has not, at any time, been a Governor of, member of staff, or member of supply staff, at the school</li> <li>• is not the parent of a registered pupil, or former registered pupil, at the school</li> <li>• has not been directly involved in any matter detailed in the complaint</li> <li>• has never served as a Governor or a member of Chailey Heritage School staff.</li> </ul>
<b>ACTION:</b>	Within 15 days, the Chief Executive will confirm in writing one of the following actions: <ul style="list-style-type: none"> <li>• that no further action is taken; or</li> <li>• specify changes to the Stage Three written response and actions.</li> </ul>



<b>SITUATION:</b>	For all other complaints, the Chief Executive will respond in writing in 5 working days offering the complainant: <ul style="list-style-type: none"> <li>• the opportunity for an appeal to be heard by a Governors' or Trustees' Appeal Panel; or</li> <li>• the option of requesting an external review by someone independent of Chailey Heritage Foundation.</li> </ul>
<b>ACTION:</b>	The complainant may request an independent review.



<b>END OF COMPLAINTS PROCEDURE</b>
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**PRIVATE AND CONFIDENTIAL**

## **COMPLAINT RESPONSE FORM**

<b>To:</b>	The Complaints Co-ordinator Chailey Heritage Foundation
<b>From:</b>	
<b>Date:</b>	
<b>Complaint Reference Number:</b>	

<b>Please delete one of the following sentences, as appropriate:</b>	
<p>The complaint has been handled and dealt with appropriately and to my/our satisfaction.</p> <p>I am/We are dissatisfied with the outcome and would like to take this matter further. Please give details.</p>	
<b>Signed:</b>	
<b>Name:</b>	
<b>Date:</b>	