



Complaints Policy

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Aims

Ethelbert Children's Services, overseeing The Old Priory School, aims to meet its statutory obligations when responding to complaints from carers of students at the school, 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.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect and courtesy.
- Make sure that any decisions we make are lawful, rational, reasonable, fair, and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into the school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Ethelbert Children's Services will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

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

Ethelbert Children's Services 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
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Definitions, roles, and responsibilities

For the purpose of this procedure, the following definitions are used:

- **‘Representation’** will include enquires and statements about such matters as the availability, delivery and nature of services and will not necessarily be critical.
- A **‘Complaint’** is a written or oral expression of dissatisfaction or disquiet in relation to those mentioned above. A complaint may arise because of an unwelcome or disputed decision, concern about the quality of appropriate services, delay in decision making about Services or about their delivery or non-delivery.
- A **‘Complainant’** is the person making the complaint on his/her behalf.
- An **‘Independent Person’** is a person, not a member or officer of either Ethelbert Children’s Services or the placing Local Authority handling the young person’s case or being involved with Those listed above. The Independent Person will neither be an advocate nor an investigator: his/her role will be to provide an objective element in Ethelbert Children’s Services considerations.
- A **‘Panel’** is a group of three persons, at least one of whom is independently appointed by Ethelbert Children’s Services to consider the complaints or representations made when the complainant is dissatisfied with the decisions made thus far and to make recommendations about further actions.
- The **‘Procedure’** is the representations and complaints procedure which Ethelbert Children’s Services is required to set up in accordance with the Children’s Act 1989’.
- The **‘Designated Officer’** is the officer, which the organisation is required to appoint to assist in the co-ordination of all aspects of the consideration of complaints or representations received.

Policy

- Ethelbert Children’s Services seeks to create an ethos in which a complainant can confidently make a representation or complaint knowing that it will be dealt with promptly and with fairness.
 - Ethelbert Children’s Service aims to develop procedures that can be easily understood and are available to young people and others, in a format that is appropriate to their understanding.
 - The level at which the representation or complaint is dealt with will reflect the seriousness of said representation or complaint.
 - Regardless of who makes the representation or complaint, the views, if appropriate and pertinent to the situation of the young person will be sought, taking into account their age and understanding. An independent element is seen as an essential part to the procedures.
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- All representations of complaints received will be recorded in writing and made available to other relevant authorities.
- The complainant will be informed of his/her right to withdraw their Representation or complaint at any time during the 'procedure'.

Procedures

- Ethelbert Children's Services will supply complainants with a copy of the relevant procedures and either aid, guidance, or advice (or where it may be obtained).
- It is Ethelbert Children's Service's aim that any representation of complaint made should be resolved as near to the point at which it arose as possible. It is hoped that where a problem arises, it will be possible to resolve the issue satisfactorily before a complaint is made. Efforts to resolve matters will include discussion and reconsideration, as well as explanation of decisions made, and actions taken.
- In all instances, Ethelbert Children's Service's will record in writing all representations and complaints received. If oral representation is made, Ethelbert Children's Services will immediately record this in writing giving opportunity for the complainant to comment on the accuracy of the text. Consideration will be given to any comments received and amendments will be made where appropriate.
- If a complaint or representation is made by a person failing within those listed above, due consideration will be given as to whether the person has sufficient interest in the subject's welfare. Ethelbert Children's Service procedure will alter only if it is considered that the person does not have sufficient interest, whereby they will be notified in writing stating the no further action will be taken. If there is a delay due to consideration being given as to whether or not there is 'sufficient interest' the date on which the decision was made, will be deemed as the date the complaint or representation was received.
- Upon receipt of representation or complaint Ethelbert Children's Services will appoint an independent Person and a response will be formulated within 28 days or receipt of same.
- The Independent Person will be required to participate in any discussion held by Ethelbert Children's Services in relation to what action, if any will be taken.
- Within the 28- day period, Ethelbert Children's Services will give notice of the proposed result of 'consideration'.
- The complainant will be informed of his/her right to have the matter referred to a panel if s/he is dissatisfied with the proposed result and will be advised that she/he has 28 days in which to do so the complainant will further be advised that another person who may also speak may accompany him at the meeting on their behalf.
- If the complainant wishes to take their dissatisfaction to 'panel', the panel will be convened within 28 days of such a request where consideration will be given to any oral or written submission by the complainant. The decision of this panel will be final.
- Within 24 hours of the meeting, the panel will decide on its recommendations and record them, together with reasons in writing. Notice of the recommendation will be given to all relevant parties.

In any consideration of this nature, it is essential to consider the rights of young people, children have the legal right to make formal complaints about matters of concern to them and "looked after" children are no exception. All those involved in caring for "looked after" children have an overriding duty to safeguard and promote the child's welfare, to listen to and take account the child's wishes and feelings and to provide accommodation and maintenance.

A Charter of Human Rights for Children

As a child I can expect:

- To be protected from harm.
- To be able to express my wishes and feelings in the knowledge that my concerns will be considered.
- Information about my family and other important people in my life and contact with them, if contact is not possible, then a clear explanation of the reasons.
- To be told clearly what I can do and what I am not allowed to do.
- Not to be discriminated against for any reason.
- Education and health care that suits my needs.
- Opportunities to develop my skills and interests.
- Encouragement to participate in make decisions and plans for my future.
- To be prepared for life as an adult with the necessary help available to me whilst I do this.
- To know how to complain if things go wrong and for my complaint to be dealt with properly.

Complaints and Representation Procedure

The following procedure acknowledges the principles of The Children's Act 1989, The Representations Procedure (Children) Regulations 1991 (RP(C)R) and Child Protection Procedures and is not intended to duplicate or replace the 'responsibilities' or functions exercised by Local Authorities in relation to the young people placed with Ethelbert Children's Services. Any such action by the Placing Authority, in relation to their jurisdiction under the Children Act 1989, RP(C)R and Child Protection Procedures will always take precedence to any action taken or that may be taken by Ethelbert Children's Service.

As mentioned previously, Ethelbert Children's Services have used the principles of the Children Act 1989 and RP(C)R in formulating its own procedures for the following persons:

- Any child/young person who is placed within Ethelbert Children's Services either within the Residential Homes or with Foster Carers or by virtue of attendance at one of the Educational facilities.
- A parent of any such child.
- Any person who is not a parent but has parental responsibility.
- Staff working in homes and individual Foster Carers.
- Any person considered having a sufficient interest in the young person's welfare to justify their representation being considered.

Definitions

For the purpose of this procedure, the following definitions are used;

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 - A 'Complaint' is a written or oral expression of dissatisfaction or disquiet in relation to those mentioned above. A complaint may arise because of an unwelcome or disputed decision, concern about the quality of appropriate services, delay in decision making about Services or about their delivery or non-delivery.
 - A 'Complainant' is the person making the complaint on his/her behalf.
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- An 'Independent Person' is a person, not a member or officer of either Ethelbert Children's Services or the placing Local Authority handling the young person's case or being involved with Those listed above. The Independent Person will neither be an advocate nor an investigator: his/her role will be to provide an objective element in Ethelbert Children's Services considerations.
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- The 'Procedure' is the representations and complaints procedure which Ethelbert Children's Services is required to set up in accordance with the Children's Act 1989'.
- The 'Designated Officer' is the officer, which the organisation is required to appoint to assist in the co-ordination of all aspects of the consideration of complaints or representations received.

Policy

- Ethelbert Children's Services seeks to create an ethos in which those listed above can confidently make a representation or complaint knowing that it will be dealt with promptly and with fairness.
- Ethelbert Children's Service aims to develop procedures that can be easily understood and are available to young people and others, in a format that is appropriate to their understanding.
- The level at which the representation or complaint is dealt with will reflect the seriousness of said representation or complaint.
- Regardless of who makes the representation or complaint, the views, if appropriate and pertinent to the situation of the young person will be sought, taking into account their age and understanding. An independent element is seen as an essential part to the procedures.
- All representations of complaints received will be recorded in writing and made available to other relevant authorities.
- The complainant will be informed of his/her right to withdraw their Representation or complaint at any time during the 'procedure'.

Procedures

- Initially and where appropriate the complaint could be considered initially on an informal basis and if possible, resolved at source, if the nature of the complaint is such or the complainant wants to make this an official Ethelbert Children's Services will then follow a written complaints procedure.
 - Ethelbert Children's Services will supply complainants with a copy of the relevant procedures and either aid, guidance, or advice (or where it may be obtained).
 - It is Ethelbert Children's Service's aim that any representation of complaint made should be resolved as near to the point at which it arose as possible. It is hoped that where a problem arises, it will be possible to resolve the issue satisfactorily before a
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 - Within 24 hours of the meeting, the panel will decide on its recommendations and record them, together with reasons in writing. Notice of the recommendation will be given to all relevant parties.
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