



Discovery Schools
Academy Trust

Wrap Around Care (including holiday clubs)

Complaints Procedure

2018-2020

Approved by: ESFA

Last reviewed on: 20.3.19

Next review due by: March 2020

Complaints Procedure

Introduction

At Discovery we always strive to provide excellent wrap around care provision and safeguard our children. However, we accept that occasionally things can go wrong. This procedure describes how parents may make a complaint and to whom, if they are dissatisfied with any aspect of our provision.

We value our partnership with parents and will endeavour to resolve the concern or complaint as quickly as possible. To help us properly investigate the complaint we ask that you bring it to the attention of the school as soon as possible, and in general, no later than 3 months after the event that gave rise to the complaint.

This procedure sets out how you may raise a concern or make a complaint and what can be expected at each stage of the process.

Time Limits

The provision aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "provision day" is defined as a weekday during term time, when the provision is open to children. The definition of "provision day" excludes weekends, Christmas holiday and bank holidays. For the avoidance of doubt, opening times are published on the Academy's website where the provision is held, and information about opening times is made available to parents and students periodically.

Although every effort will be made by the provision to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the provision will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Complaints against the Extended Services Development Manager

If a complaint is about the conduct of the Extended Services Development Manager, the Head of Estates and Admissions will investigate the complaint under Stage 2 of this Complaints Policy instead of the them. The CEO will then review the complaint under Stage 3 of this Complaints Policy instead of the Advisory Board.

Procedure

Stage 1: Dealing with concerns informally

We hope that most concerns can be resolved at an early stage with an informal meeting / discussion with the provision manager.

Provision managers are available to meet at the start and end of the sessions, or it may be more appropriate to make an appointment for an informal meeting so that more time can be given to address the concern. Appointments can be made through the school office. Provision managers will keep the Complainant fully informed of actions put in place in order to resolve the concern

within the fifteen provision days to allow the provision time to implement and review the effectiveness of any changes made.

If a Complainant feels that a concern or difficulty raised under Stage 1 of this Complaints Policy remains unresolved after fifteen Provision days from the informal meeting / discussion with the provision manager, or it is regarded by the Complainant as a serious matter which requires formal investigation from the outset, then the Complainant should set out in writing the complaint and send to the Extended Services Development Manager. A formal complaint must be submitted in writing within twenty Provision days from the initial meeting / discussion with the class teacher. Should a formal written complaint be received by another member of the Provision's staff, they will immediately be passed on to the Extended Services Development Manager.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the Provision should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

To remove the possibility of a repeated concern only being dealt with informally, if the same concern (e.g. bullying concern but different incidents logged) is repeatedly raised more than twice then it will be treated as a complaint and will automatically move to stage 2 where an appointment to meet with the Extended Services Development Manager will be offered (see below).

Concerns and formal complaints with regards to pupil safety and well-being are logged via the schools CPOMS pupil safeguarding and wellbeing reporting system and reviewed regularly by a DSL (Designated Safeguarding Lead).

The provision manager will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 1 action(s) or feel the matter remains unresolved, they should write to the Extended Services Development Manager after fifteen Provision days from their meeting / discussion with the provision manager. A formal complaint must be submitted in writing within twenty Provision days from the initial meeting / discussion with the provision manager asking for their complaint and a Stage 2 investigation to be carried out by the Extended Services Development Manager as part of Stage 2 of this Complaints Policy.

Formal Stages

Stage 2 – Referral to Extended Services Development Manager

If the concerns have not been resolved at stage one within fifteen Provision days from the initial meeting / discussion with the provision manager, you can request appointment with the Extended Services Development Manager and/or a Stage 2 investigation to be carried out by the Extended Services Development Manager as part of Stage 2 of this Complaints Policy. The Complainant must submit a Stage 2 formal complaint in writing to the Extended Services Development Manager within twenty Provision days from the initial meeting / discussion with the provision manager.

Please provide us with as much detail as you can to help us investigate the complaint using the attached Complaint Form.

The formal complaint will be acknowledged in writing within five Provision days of receipt.

The Extended Services Development Manager will then lead the investigation of the complaint and will let you have a response within twenty Provision days from receipt of your Stage 2 formal compliant form. If this is not possible, you will be advised of when they expect to be able to provide this information. If the concern is in any aspect linked to the safeguarding of pupils then the DSAT Head of Safeguarding and Pupil well-being will be lead investigator.

Investigation

The Extended Services Development Manager will be provided with the records of the Stage 1 informal procedure (if applicable) within five Provision days of receipt of the formal complaint and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the Provision which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Extended Services Development Manager will speak to the persons who were involved in the matters raised by the Complainant. Pupils will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of pupils, the accompanying independent member of staff will be asked to sign and date the record of the conversation.

If the Extended Services Development Manager deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

Where the complaint was received during a Provision holiday, the Extended Services Development Manager will endeavour to expedite the investigation wherever possible.

The Extended Services Development Manager is: -

- Lee Gill

Head of Safeguarding and Pupil Wellbeing :-

- Liz Braithwaite

Outcome

The lead investigator will write to the Complainant confirming the outcome of the investigation within twenty Provision days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the lead investigator during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Chair of the Advisory Board within ten Provision days of

receipt of the outcome letter. The Complainant must ask for their original complaint only and the Stage 2 investigation to be reviewed by an Advisory Board member under Stage 3 of this Complaints Policy.

Stage 3: - Review of complaint and investigation by the Advisory Board

A member of the Advisory Board will acknowledge receipt within 5 provision days of receiving the complaint.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2

The Advisory Board Member will review the complaint, the actions taken by the provision to resolve it and provide you with a written response within twenty Provision days from the date that the request for a review was received.

The Advisory Board Member will be provided with all documentation relating to the complaint within five Provision days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

The Advisory Board Member will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Advisory Board Member will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Advisory Board Member does speak to a pupil or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the Advisory Board Member deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution. The aim of the Stage 3 process is to give the Complainant and the school an opportunity to resolve the complaint with the support of the Advisory Board member prior to a Panel Hearing.

The Advisory Board Member will write to the Complainant confirming the outcome of the review within twenty Provision days from the date that the request for a review was received. The letter will set out whether the Advisory Board Member agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Advisory Board within ten Provision days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

Stage 4 – Complaints Panel Hearing

A complaints panel hearing is a review of the decisions taken after investigation of the complaint. The panel will not consider any new areas of complaint which have not been previously raised as part of the complaint's procedure.

The Clerk to the Advisory Board will acknowledge the request within 5 provision days. The Clerk to the Advisory Board will make arrangements to convene a panel and will advise you of the date and time.

The panel will consist of three members who have not been directly involved in the matters detailed in the complaint.

One member of the panel will be independent of the management and running of the provision, academy and Trust. This means that the independent complaint panel member will not be a DSAT Trustee, an Advisory Board Member of the academy, or an employee of either the Trust or the provision. For the avoidance of doubt, an Advisory Board Member from another Trust school or Cluster Board Governor from a different cluster may be the independent complaint panel member, as long as they are not an employee of school or the Trust.

As parent/carer you will be invited to attend the panel hearing and may be accompanied by another person, for example a relative or friend.

The Clerk to the Advisory Board will liaise with the Complaint Panel, the Complainant and the Provision's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty five Provision days of receipt of the Complainant's request, unless there are exceptional circumstances. However, please note that the panel will not normally sit during school holidays. If the Complaint Panel Hearing will not take place within twenty five Provision days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

The panel will hear the complaint and make their findings and recommendations. They will decide if:

- the complaint investigation process was carried out fairly
- the outcomes were reasonable
- any more can be done to help resolve the issue

The decision, findings and any recommendations will be confirmed in writing (this may be by email) to you, normally within 10 Provision days of the hearing. The Clerk to the Advisory Board will write to the:

- Complainant;
- the Provision's Representative;
- Any person complained about;

The decisions, findings and any recommendations will also be available for inspection by the Board of Trustees, the Trust Executive Leadership Team, and the Extended Services and Development Manager.

Further rights of appeal

The panel hearing is final stage of review for any complaint within the school and Trust but, if you are still unhappy, you can refer the complaint to the Education Skills Funding Agency (ESFA).

The ESFA can only look at complaints that have followed all stages of the procedure. To refer the complaint to the DfE please click [here](#).

Confidentiality

A written record including the actions taken by the Provision will be kept of all complaints, and of whether they were resolved at a formal stage or proceeded to a panel hearing. Informal concerns and complaints will be recorded where these are related to the safeguarding and well-being of pupils using the Provision's confidential CPOMS child protection incident recording software.

Correspondence, statements and records relating to individual complaints will be kept confidential by the Provision, except where access is requested by the Secretary of State or where a body conducting an inspection under section 109 of the 2008 Act requests access to them.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

General Data Protection Regulation and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests will either be a "subject access request" under the General Data Protection Regulation law 2016 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the General Data Protection Regulation law 2016 must be responded to within one month, and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the Provision will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

Anonymous Complaints

The provision will not investigate anonymous complaints under the procedure. Anonymous complaints will be referred to the Extended Services Development Manager, who will decide what, if any, action should be taken.

Serial and Unreasonable Complaints

The provision is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our provision. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The provision defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the provision. Complainants should try to limit their communication with the provision that relates to their complaint, while the complaint is being progressed. In these scenarios, the provision may implement a tailored communications strategy such as restricting the method of communication or putting in place a single point of contact.

Resolution Principles

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Provision will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Provision



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Wrap Around Care / Holiday Club Complaints Form

The Name	
Pupil's Name(if relevant)	
The relationship to the pupil (if relevant)	
Please give details of the complaint.	
What action, if any, have you already taken to try and resolve the complaint. (Who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signed:	
Date:	

Office Use:

Date acknowledgement sent:	Complaint referred to:
By who:	Date: