



Complaints Policy

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Policy Introduction

Education legislation requires Governing Bodies to have in place a formal written procedure to deal with complaints relating to the school and any facilities or services that the school provides. The procedure must also be publicised, including to parents.

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

The Governing Board of EVOLVE are committed to ensuring that the highest standards are maintained and in every other aspect of the running of the provision. A complaints procedure is an important part of the management of a well-run provision, allowing parents and others the opportunity to voice any concerns they may have through appropriate channels.

This policy explains the procedure which has been adopted by the Governing Board to ensure a timely and fair approach to the resolution of concerns. We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stages reduces the numbers that develop into formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful.

Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. A complaint may result in disciplinary action by the provision against a member of staff and this would be confidential between that member of staff and the provision, but otherwise parents will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

Aims

EVOLVE aims to meet its statutory obligations when responding to complaints from parents of students attending the provision and or referring schools/agencies.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into provisions improvement processes

Principles of the procedure

- Where possible, complaints will be resolved through informal discussion.
- All complaints will be dealt with impartially and, subject to the need to investigate fully, in confidence.
- Complaints will be dealt with within clear time limits.
- Complainants may be supported by a friend or colleague in any formal consideration of the complaint.
- Any issues identified as requiring action will be addressed.
- The policy will be non-adversarial and promote flexibility and reconciliation between parties.
- Staff will be supported appropriately.
- The provision will keep records of all complaints, including progress by stage and outcomes, and will report relevant details to the Governing Board on a regular basis – this will be for monitoring purposes only and will present an overview of the types of complaints and associated themes.
- The policy will be reviewed by the Governing Board every three years or more frequently in the light of changing legislation.

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.

The provision 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.

Stages in the Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. There are three stages in the provisions complaints process.

Stage 1: The First Contact – Informal Consideration by Staff

The person making the complaint has an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the individual the nature of the concern and reassures them that we want to hear about it. They may explain to the individual how the situation happened.

It can be helpful to identify at this point what sort of outcome the parent or referring agency is looking for.

If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address or phone number and the nature of the concern. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent/reference agency. They will check later to make sure the referral has been dealt with.

There is no need for the complaint to be put in writing at this stage. The staff member dealing with the matter will make sure that the individual is clear what, if any, action or monitoring of the situation has been agreed. The complaint will be considered and resolution attempted within 10 working days.

Where no satisfactory solution has been found, the individual will be asked if they wish their concern to be considered further within the formal complaints process set out below. If so, they are given clear information about how to proceed and a copy of this document is provided.

Stage 2: Formal Investigation by Head of Centre

At this point the individual will be asked to formally put the complaint in writing within 10 working days to the Head of Centre. The written complaint must be clear and detailed and a copy of this procedure will be provided to the complainant.

If the complaint concerns the Head of Centre, the Head of Service will lead Stage 2. The Head of Centre will acknowledge receipt of the complaint in writing within 5 working days of receiving the written complaint. The acknowledgement will give a target date for providing a response to the complainant – normally within 10 working days. If, thereafter, it is not possible to respond within the 10 days, a letter will be sent explaining the reason for the delay and giving a revised target date.

The Head of Centre will undertake an investigation as appropriate and will provide an opportunity for the complainant to meet with them to supplement any information provided previously. It will be made clear to the complainant that they may be accompanied to any meeting by a friend or colleague.

Once all the relevant facts have been established, the Head of Centre will invite the complainant to discuss/resolve the matter directly. The response may be in writing or at a meeting with written confirmation of the outcome.

The complainant must be advised of their right to have the matter referred to the Directors Board if the outcome of Stage 2 is not satisfactory. If they wish to take the complaint further, they should notify the Head of Service within 10 working days of receiving the outcome letter.

Stage 3: Formal consideration by the Directors Board

Head of Service will seek to convene the Directors Board within 20 working days of receiving the referral from the complainant. The Head of Service will prepare a written report in response to the complaint. The Head of Service will additionally ask members of staff directly involved in matters raised by the complainant to prepare reports.

The Head of Service will write and inform the complainant and any relevant witnesses, and members of the Board at least 7 working days in advance, of the date, time and place of the meeting. All relevant correspondence, reports and documentation about the complaint will be included with the letter.

The complainant should also be informed of their right to be accompanied to the meeting by a friend or colleague.

The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Directors Board at least five working days before the meeting.

The aim of the meeting will be to resolve the complaint and achieve a reconciliation between the provision and the complainant. The Head of Service will explain to the complainant that the Directors Board will consider its decision, and that written notice of the decision including any recommendations will be sent to both parties within 15 working days.

Contact information

Head of Centre
Siobhan Donoghue
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Head of Service
Danielle Hutchinson
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T: 07463 795355

Monitoring and Evaluation

The Directors Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Directors Board will not name individuals.

Record-keeping

We 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 on the Board.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices. The details of the complaint, including the names of individuals involved, will not be shared with the whole Directors Board.

Learning lessons

We will review any underlying issues raised by complaints with the Head of Centre where appropriate, and respecting confidentiality, to determine whether there are any improvements that we can make to its procedures or practice to help prevent similar events in the future.

Appendix 1 – Procedure at Stage 2

1. The Head of Centre acknowledges the complaint, orally or in writing, within 5 working days of receiving confirmation that the complaint is now to be dealt with at stage. The acknowledgement gives a target date for providing a response to the complaint. This should normally be within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
2. The Head of Centre provides an opportunity for the complainant to provide supplement information. It is made clear to the complainant that if they wish to, they may be accompanied to any meeting by a friend, or colleague.
3. If necessary, the Head of Centre should interview witnesses and take statements from those involved. If the complaint centres on a student, the student should also be interviewed. Students would normally be interviewed with parents/guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a student has specifically said they would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the student feels comfortable may be asked to attend.
4. The Head of Centre will keep written records of meetings, telephone conversations, and other documentation. Once all the relevant facts have been established, the Head of Centre should then produce a written response to the complainant to discuss/resolve the matter.
5. A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action EVOLVE will take to resolve the complaint. The complainant is advised that should they wish to take the complaint further they should notify the Head of Service within 10 working days of receiving the outcome letter, however EVOLVE will consider exceptions to this cutoff point.

Appendix 2 - Procedure at Stage 3

Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed:

1. The Head of Service should write to the complainant within 5 working days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of at least two members of the Directors Board, within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the members of the Board.
2. The Head of Service should arrange to convene a Directors Board meeting. The Chair of the meeting will ensure that the complaint is heard by the Board within 20 working days of receiving the letter. All relevant documentation regarding the complaint should be given to each Board member when the composition of the panel is confirmed.

3. The Head of Service will write and inform the complainant and any relevant witnesses at least 7 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform them of the right to be accompanied to the meeting by a friend or colleague. The letter will also explain how the meeting will be conducted. Witnesses will not be entitled to receive a copy of the bundle.
4. The Head of Service should invite the Head of Centre, who responded to the complaint at Stage 2, to attend the panel meeting and prepare a written report for the panel in response to the complaint. Any relevant documents including the Head of Service's report should be received by all concerned, including the complainant, at least 5 working days prior to the meeting.
5. The aim of the meeting should be to resolve the complaint and achieve reconciliation between EVOLVE and the complainant. However, it must be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
6. The meeting should allow for:
 - the complainant to explain their complaint
 - the Panel to question the complainant
 - the Head of Centre to explain EVOLVE's response
 - the Board to question the Head of Centre and/or other members of staff about EVOLVE's response
 - any party to have the right to call witnesses (subject to the approval of the Head of Service)
 - final statements by both the complainant and the Head of Service
7. The Head of Service will explain to all concerned that the board will then consider the complaint and all the evidence presented and:
 - a) reach a unanimous, or at least a majority, decision on the complaint
 - b) decide upon the appropriate action to be taken to resolve the complaint
 - c) where appropriate, suggest recommended changes to EVOLVE's systems or procedures to ensure that problems of a similar nature do not happen again.
8. The written statement outlining the decision of the Board must be sent to the complainant and Head of Centre. The letter to the complainant should explain whether a further external appeal can be made, and if so, to whom.
9. EVOLVE should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the student's personal records.

Appendix 3 – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if they:

- co-operates with EVOLVE staff in seeking a solution to the complaint
- expresses the complaint in full as early as possible
- responds promptly to requests for information or meetings or in agreeing the details of the complaint
- asks for assistance as needed
- treats all those involved in the complaint with respect

The Complaints Co-ordinator (or Head of Centre)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- liaise with staff members and the Board to ensure the smooth running of the complaints procedure
- keep records
- be aware of issues regarding:
 - sharing third party information
 - additional support - this may be needed by complainants when making a complaint including interpretation support

The Investigator (Head of Centre)

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - consideration of records and other relevant information
 - interviewing staff and children/young people and other people relevant to the complaint
 - analysing information
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and responding to the complainant in plain and clear language.
- The person investigating the complaint should make sure that they:
 - conduct interviews with an open mind and be prepared to persist in the questioning
 - keep notes of interviews or arrange for an independent note taker to record minutes of the meeting

The Board Chair

The Board Chair has a key role in ensuring that:

- the meeting is minuted
- the remit of the Board is explained to the complainant
- the issues are addressed
- key findings of fact are made
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room will set the tone – care is needed to ensure the setting is informal
- the board is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it
- liaise with the complaints co-ordinator.

Appendix 4 – Flowchart for Complaints Procedure

*Exceptions may be made to allow the complainant more than 10 days to take their complaint to the next stage

