



Complaints procedure

Approved by: Christopher Kenny

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1. Aims

Our company aims to meet its statutory obligations when responding to complaints from parents of young people 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
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into company 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.

DevonPathways will aim to give the complainant the opportunity to complete the complaints procedure in full.

2. Legislation and guidance

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

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).

3. 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”.

DevonPathways will resolve concerns through day-to-day communication as far as possible.

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

DevonPathways intends to resolve complaints informally where possible, at the earliest possible stage. DevonPathways will inform and seek guidance from the referring body regarding any complaints received.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

4. Principles for investigation

Points for consideration when using this procedure

A complaint is an expression of dissatisfaction however made, by a parent or carer with a legitimate interest in the company. It may be about company policies or procedures, the conduct, actions or omissions of members of staff employed at the company.

- The procedure outlined in is not for complaints from staff about matters relating to their duties or employment at the company, or for staff grievances, or for complaints they may have about parents or carers.
- This complaints procedure is intended to be used by those persons who have a complaint relating to the company and no other alternative process exists for addressing that complaint.
- Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined below in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:
 - Issues relating to members of staff including disciplinary grievances and re-organisation proposals
 - Matters likely to require a Child Protection Investigation
 - Whistleblowing
- Initially most complaints will be oral. There should not be a requirement for the complainant to put their complaint in writing at the informal stage. However, DevonPathways should be mindful that English may not be the complainant's first language and due consideration and appropriate action should be taken where this is known to be the case. Such actions may include for example agreeing to the parent being accompanied by a friend or family member to act as interpreter.
- DevonPathways will keep a record of all complaints made and the actions taken. When receiving anonymous complaints in the majority of cases the only action the DevonPathways will take is to log the complaint and a record of any actions taking in response to the complaint. However, there may be exceptions to this where the Directors feels further action should be taken and it is for the Directors to use his/her discretion in making that decision and in deciding how to proceed in such cases. These may include complaints that raise serious concerns such as child protection allegations or bullying.
- The power to investigate company complaints rests with DevonPathways. Where necessary DevonPathways will appoint an investigating Officer. The main exceptions to this are child protection and health and safety where the LA does still have the powers to investigate and intervene. Therefore, in the majority of cases any complainant who approaches the LA (except in such cases as specified above) will be referred back to Director or Head of Operations of DevonPathways.
- It is important that all concerns are taken seriously. Children learn best when there is an effective partnership between professional bodies such as DevonPathways, schools and the parents. All members of the DevonPathways community are entitled to have their points of view properly considered and heard. It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly

frequently results in greater dissatisfaction. Complaints and concerns relating to issues which occurred more than one month before will generally be ruled “out of time”.

- Directors or SLT should not investigate when a complaint is about their own actions. An alternative investigating Officer will be appointed.
- When investigating a complaint, the investigator should try to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions. The investigating officer should consider using recording devices so parents with communication difficulties can access and review discussions.

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.

DevonPathways expects that complaints will be made as soon as possible after an incident arises and no later than 1 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.

5. Stages of complaint

Stage 1: informal

DevonPathways will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff either in person or by letter, telephone, or email. If by telephone this should then be followed up with an email confirming the complaint and an outline of the phone call listing dates, time and contact. If the complainant is unclear who to contact or how to contact them, they should contact DevonPathways main contact number found on the website.

DevonPathways will acknowledge informal complaints within 5 working days and investigate and provide a response within further 5 working days where possible.

The informal stage will involve a meeting or phone call between the complainant and the appointed staff member.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

The formal stage involves the complainant putting the complaint into writing, usually to the Head of Operations (Tania.Mayes@devonpathways.co.uk) and/or the subject of the complaint. This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head of Operations (or other person appointed by the Director for this purpose, the investigating officer) will then conduct their own investigation.

The referring body will be kept informed at all stages.

6. Complaints against the Head of Operations

Complaints made against the Head of Operations should be directed to the director (chris.kenny@devonpathways.co.uk).

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The informal stage will involve a meeting or phone call between the complainant and Director.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

The formal stage involves the complainant putting the complaint into writing, to the Director (chris.kenny@devonpathways.co.uk). This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Director or appointed person (investigating Officer) will then conduct their own investigation. The written conclusion of this investigation will be sent to the referring body within 10 working days.

The referring body will be kept informed at all stages.

7. Complaints against the Director

Complaints made against the Director should be directed to the Head of Operations (Tania.Mayes@devonpathways.co.uk).

Stage 1: informal

DevonPathways will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff either in person or by letter, telephone, or email. If by telephone this should then be followed up with an email confirming the complaint and an outline of the phone call listing dates, time, and contact. If the complainant is unclear who to contact or how to contact them, they should contact DevonPathways main contact number found on the website.

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The formal stage involves the complainant putting the complaint into writing, to the Head of Operations (Tania.Mayes@devonpathways.co.uk). This letter should provide details such as

relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head of Operations or appointed person (investigating Officer) will then conduct their own investigation. The written conclusion of this investigation will be sent to the referring body within 10 working days.

The referring body will be kept informed at all stages

8. Persistent complaints

Where a complainant tries to re-open the issue with DevonPathways after the complaint's procedure has been fully exhausted and has done everything it reasonably can in response to the complaint, directors (or other appropriate person in the case of a complaint about the director) will inform the complainant that the matter is closed.

If the complainant subsequently contacts DevonPathways again about the same issue, DevonPathways can choose not to respond. The normal circumstance in which we will not respond is if:

- DevonPathways has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the company's position and their options (if any), *and*
- The complainant is contacting DevonPathways repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

DevonPathways will be most likely to choose not to respond if:

We have reason to believe the individual is contacting DevonPathways with the intention of causing disruption or inconvenience, and/or

The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or

The individual makes insulting personal comments about, or threats towards, company staff.

Unreasonable behaviour, which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint.

Once DevonPathways has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

DevonPathways will ensure when making this decision that complainants making any new complaint are heard, and that DevonPathways acts reasonably. Referring bodies will be kept informed at all stages.

9. Record-keeping

DevonPathways 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 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 review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a company inspection.

Records of complaints will be kept for 5 years.

10. Learning lessons

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

11. Monitoring arrangements

Directors will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The directors will track the number and nature of complaints and review underlying issues.

The complaints records are logged and managed by the Head of Operations

This policy will be reviewed by the Directors.

12. Visitors to site

If concerns are raised about visitors to site.

DevonPathways will not normally conduct visits on site during hours where Young People are accessing site.

Young People are 1-2-1 or in small groups always accompanied by staff.

On the rare occasion that a site is conducted during DevonPathways working hours and young people are on site then.

- Visitors to site will be signed in and always accompanied by a DevonPathways member of staff.
- If DevonPathways staff or young people raise concerns about a visitor, the visit to site will be terminated immediately.
- Concerns will be passed to the or Head of Operations at the earliest opportunity.
- Where necessary the Head of Operations will follow stage 1 process for informal complaints and consult the directors
- The Head of Operations will consult the visitors line manager and may take up a formal complaint with the visitor employer.

If there is a Safeguarding concern the Safeguarding policy should be consulted and followed.

