

P13 Complaints Policy

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INTRODUCTION

We believe that SKAPE Alternative Provision Education provides a good education for all our children and young people, and that the staff work very hard to build positive relationships with all parents/carers and registered schools. However, SKAPE is obliged to have procedures in place in case there are complaints by parents/carers or schools. The following policy sets out the procedure that SKAPE follows in such cases.

WHO CAN MAKE A COMPLAINT?

This complaints procedure is not limited to parents or carers of children who are registered at the SKAPE Centre. Any person, including members of the public, may make a complaint to SKAPE about any provision of facilities or services that we provide. For these purposes, we, at SKAPE, will use this complaints procedure.

DIFFERENCE BETWEEN A COMPLAINT AND A CONCERN

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest opportunity. Many issues may be resolved informally, without the need to use the formal stages of the complaints procedure. SKAPE takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the centre Manager will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the centre Manager will refer you to another staff member. The member of staff may be more senior, but doesn't have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, SKAPE will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

HOW TO RAISE A COMPLAINT

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A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either a member of staff or the Centre Manager. If the issue remains unresolved, the next step is to raise a formal complaint.

Complaints should be marked as Private and Confidential if being made to the SKAPE Reception/Administration staff. Complaints can be made to any member of staff and will be acted on quickly.

For ease of use, a template complaint form is included at the end of this policy. If you require help in completing this form, please contact the centre office where help will be provided, or advice given for how to get external help (such as from the Citizens' Advice).

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure, such as ensuring full accessibility for meetings.

ANONYMOUS COMPLAINTS

We will not normally be able to investigate anonymous complaints. However, the Centre Manager will determine whether the complaint warrants an investigation.

TIMESCALES

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of facilities or services by SKAPE other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has responsibility for safeguarding or the Multi Agency safeguarding Hub (MASH). The contact numbers for Darlington Council Safeguarding Hub are: For Professionals: 01325 406252 For the public: 01325 406222 and 01642 524552 for out-of-hours calls.

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Breakdown / failure of the student placement at SKAPE	Parents – may make a written complaint using the form attached to this policy. Under most conditions, however, the parents, SKAPE, and the referring school will have engaged in dialogue and procedures (such as the use of behaviour and/or pastoral support plans), and will have followed the statutory procedures of the referring school before an end decision of failure of the placement is reached.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff. Any volunteer staff who have complaints about SKAPE should complain through the Centre's complaints procedure.
Staff grievances	Complaints from staff will be dealt with under the Centre's internal grievance procedure.
Staff conduct	Complaints about staff will be dealt with under the Centre's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a member of staff as a result of the complaint. However. The complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use the school premises or facilities	Providers should have their own complaints procedure to deal with complaints. Please contact them directly.
National Curriculum - content	The students attending SKAPE will undergo initial assessment period of work, where their 'working at' grades will be assessed. They will then follow a Scheme of Learning that is developed for them individually. Any complaints about this should be addressed to either the Centre Manager or the Senior Teacher, where a meeting can be arranged to discuss and develop a way forward. Further/ continuing complaints should be referred to the referring school, or alternatively, to the local council to the referring school.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA), safeguarding teams or tribunals, this may impact upon our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against SKAPE in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

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If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1

Formal complaints must be made to the Centre Manager (unless they are about the Centre Manager) via the Centre's reception. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Centre Manager will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 15 working school days.

Within this response, the centre Manager will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Centre Manager can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Centre Manager may delegate the investigation to another member of the senior leadership team, but not the decision to be taken.

During the investigation, the Centre Manager (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Centre Manager will provide a formal written response within 15 working school days of the date of receipt of the complaint.

If the Centre Manager is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions SKAPE Alternative Education Provision will take to resolve the complaint.

The Centre Manager will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Centre Manager, a suitably skilled staff member will be appointed to complete all the actions at Stage 1.

Complaints about the Centre Manager must be made to a member of staff, via the Centre's main reception.

If the complaint is:

- jointly about the Manager and Senior Teacher or
- jointly about the majority of or the entire staff

Stage 1 will be considered by an independent investigator appointed by the SKAPE management (this could be, for example, the Lead Inclusion Officer of the local council). At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

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If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with independent individuals who are invited to take part in the complaints process, which will normally be formed of three, impartial, referees (which may include members of the inclusion team from the council). This is the final stage of the complaints procedure.

If a complaint is received against the Centre Manager and the complainant requests that it is escalated to Stage 2, the same procedure as above will be implemented, with the use of independent referees.

A request to escalate to Stage 2 must be made to the Administration Lead of SKAPE, via the Centre's reception, within 15 working school days of receipt of the Stage 1 response.

The Administrative Lead will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 15 working school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Administrative Lead will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 working school days of receipt of the Stage 2 request. If this is not possible, the Administrative Lead will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Administrator will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2. This may include the involvement of Local Authority staff.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a SKAPE school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this 'Complaints' procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

At least 5 working school days before the meeting, the Administrative Lead will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

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- request copies of any further written material to be submitted to the committee at least 3 working school days before the meeting.

Any written material will be circulated to all parties at least 2 working school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Centre's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and SKAPE with a full explanation of their decision and the reason(s) for it, in writing, within 15 working school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by SKAPE.

If the complaint is:

- jointly about the Centre Manager and Senior teacher or
- the majority of the staff

Stage 2 will be heard by an independent committee.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions SKAPE will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their

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duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by SKAPE. They will consider whether SKAPE has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD.

COMPLAINT FORM

Please complete and return to the Centre Manager who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at SKAPE about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

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Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with SKAPE in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - o interviewing staff and children/young people and other people relevant to the complaint
 - o consideration of records and other relevant information
 - o analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Centre Manager or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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The Centre Manager or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Centre Manager/Senior Teacher / other staff member providing administrative support, such as the Admin Lead)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Centre Manager, Administrative Lead and Local Authorities (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - o sharing third party information
 - o additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

The Administrative Lead

The Administrative Lead (Dale James) is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Administrative Lead) to provide any additional information relating to the complaint by a specified date in advance of the meeting

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- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and SKAPE are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Administrative Lead.

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between SKAPE and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

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If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child's best interests.

The welfare of the child/young person is paramount.

Signed: *L. James*

Date: 01/09/2025

Print Name: L. James

Reviewed: Annually

Review Date: September 2026

Date	Reason for Change	Approved By	Revision Number
10/08/23	Initial Policy	K Watson	01
27/12/23	Updated for DCC compliance	K Watson	02
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