



Complaints Policy and Procedure

Date of issue: August 2026

Date for renewal: August 2027

Author: Jenny Mills

1. POLICY STATEMENT

The Learning Sanctuary welcomes feedback, concerns and complaints as an important part of maintaining a safe, respectful and high-quality service. Service users and those supporting them should feel able to raise concerns without fear that doing so will adversely affect the support, dignity or respect provided to the service user.

We aim to resolve concerns fairly, promptly, proportionately and as close to the point of service delivery as possible. Complaints will be used to identify learning and improve practice.

This policy should be read alongside The Learning Sanctuary Safeguarding Adults Policy and Procedure, Mental Capacity Act 2005 Policy and Procedure, Relational and Behaviour Policy, Positive Support, De-escalation and Physical Intervention Policy, Leaving the Service Unexpectedly (Absconding) Policy, First Aid Policy, Whistleblowing Policy and other relevant risk, health and safety and information-governance arrangements.

2. WHO CAN MAKE A COMPLAINT

A complaint may be made by:

- a service user;
- a family member, carer or other person supporting the service user;
- an advocate or legally authorised representative;
- a social worker, commissioner, referrer or other professional;
- another person affected by the service, where appropriate.

Where another person complains on behalf of a service user, The Learning Sanctuary will consider the service user's wishes, consent, capacity and confidentiality. A parent or carer of an adult does not automatically have legal authority to make decisions or receive confidential information on that person's behalf.

3. ACCESSIBILITY, COMMUNICATION AND SUPPORT

The Learning Sanctuary will make reasonable adjustments so that service users can raise concerns in a way that is accessible to them. A complaint does not have to use formal language or be made in writing at the first stage.

Support may include:

- using plain language, pictures, symbols or other communication methods;
- allowing additional time to communicate;
- support from a trusted person or independent advocate;
- accepting a complaint verbally and recording it accurately with the person's agreement;
- providing information about the complaints process in an accessible format.

4. MENTAL CAPACITY, CONSENT AND REPRESENTATION

Under the Mental Capacity Act 2005, a person aged 16 or over must be presumed to have capacity unless it is established that they lack capacity for the specific decision at the particular time. All practicable steps must be taken to support the person to make their own decisions.

A person must not be treated as lacking capacity simply because they make a decision that others consider unwise. Where there is a genuine reason to doubt capacity in relation to a specific decision connected with a complaint, staff must follow The Learning Sanctuary Mental Capacity Act 2005 Policy.

Where a service user lacks capacity for a relevant decision, any action taken on their behalf must be in their best interests and be the least restrictive option. The service user's wishes, feelings, values and preferences must be considered and they should be involved as fully as possible.

5. COMPLAINTS AND SAFEGUARDING

A complaint may contain information indicating abuse, neglect, exploitation, self-neglect, financial abuse, inappropriate restraint, unsafe practice or another safeguarding concern. Where this occurs, safeguarding action takes priority and the matter must be managed in accordance with The Learning Sanctuary Safeguarding Adults Policy and the relevant North Yorkshire multi-agency safeguarding procedures.

The complaints process must never be used to delay an urgent safeguarding referral, emergency response or action needed to protect a person from harm. Where appropriate, the complaints process may continue alongside safeguarding or other statutory processes.

6. MATTERS THAT MAY NEED A DIFFERENT PROCEDURE

Some concerns may need to be dealt with under another procedure, either instead of or alongside this policy. Examples include:

- safeguarding concerns or allegations of abuse or neglect;
- a concern about serious wrongdoing raised by a worker under the Whistleblowing Policy;
- a staff employment grievance or disciplinary matter;
- an immediate health or safety emergency;
- a matter being investigated by the police, local authority, commissioner or another statutory body.

The complainant will be told, as far as confidentiality allows, if another procedure is more appropriate.

7. PRINCIPLES FOR HANDLING COMPLAINTS

- Complaints will be taken seriously and treated respectfully.

- No service user will be disadvantaged because they or someone supporting them has raised a concern.
- The person complained about will be treated fairly and given an appropriate opportunity to respond.
- Investigations will be proportionate, impartial and based on available evidence.
- Confidentiality will be maintained as far as reasonably possible.
- Information will be shared where necessary for safeguarding, legal, regulatory or fair-investigation purposes.
- The Learning Sanctuary will focus on resolution, learning and improvement rather than defensiveness or blame.

8. TIMESCALES

Concerns should be raised as soon as reasonably possible so that they can be investigated effectively. The Learning Sanctuary will not apply an automatic one-year cut-off where there is a good reason for delay, where the matter can still reasonably be investigated, or where safeguarding concerns are involved.

We aim to acknowledge formal complaints within 5 working days and provide a substantive response within 20 working days where reasonably practicable. If more time is required because of complexity, absence, safeguarding, police involvement or the need to obtain external information, the complainant will be updated and given a revised timescale.

9. STAGE 1 - INFORMAL RESOLUTION

Many concerns can be resolved quickly through respectful discussion. A service user or representative may raise a concern with the member of staff involved, the service user's key worker or another appropriate member of staff.

The staff member should:

- listen without becoming defensive;
- clarify what the person is concerned about and what outcome they are seeking;
- address any immediate safety or safeguarding issue;
- resolve the issue where it is within their authority to do so;
- make an appropriate record where the matter is significant;
- seek advice from Jenny Mills, Director, where the concern cannot be resolved promptly or is serious.

If the complainant is dissatisfied with the informal response, or the matter is too serious for informal resolution, they may proceed directly to Stage 2.

10. STAGE 2 - FORMAL COMPLAINT TO THE DIRECTOR

A formal complaint should normally be made to Jenny Mills, Director. It may be made in writing or verbally where the complainant requires assistance. Where a verbal complaint is accepted formally, The Learning Sanctuary will make a written record and check that it accurately reflects the concern.

The Director will:

- acknowledge the complaint;
- identify any immediate safeguarding, health or safety action required;
- clarify the issues and the outcome sought;
- consider conflicts of interest and whether another person should investigate;
- review relevant records and speak with appropriate people;
- give the person complained about a fair opportunity to respond;
- keep a clear written record of the investigation and decisions;
- provide a written outcome explaining whether the complaint is upheld, partly upheld or not upheld, together with any appropriate actions or learning.

11. COMPLAINTS ABOUT THE DIRECTOR

Where the complaint concerns Jenny Mills or Andrew Mullane, Directors, it should not be investigated solely by the person who is the subject of the complaint. The complainant may raise the matter with the relevant commissioning or placing authority, safeguarding service or another appropriate independent person or organisation, depending on the nature of the concern.

Where the complaint includes a safeguarding allegation, the Safeguarding Adults Policy and local multi-agency procedures must be followed immediately.

12. STAGE 3 - REVIEW

If the complainant remains dissatisfied after Stage 2, they may request a review. Because The Learning Sanctuary is a small independent service rather than a school or academy trust, a three-person school complaints panel is not automatically required. The review arrangements will be proportionate to the service and should provide appropriate independence from the original decision wherever reasonably possible.

The review may be undertaken by an independent person or suitable external professional who has not been directly involved in the complaint. The reviewer will consider whether the complaint was handled fairly, whether relevant evidence and policies were considered and whether the outcome and actions were reasonable.

The complainant may be accompanied by a supporter or advocate at any meeting. A written review outcome will be provided.

13. EXTERNAL ESCALATION

If a complainant remains dissatisfied, or where the nature of the concern makes internal handling inappropriate, they may contact the relevant external organisation. This may include the service user's social worker, commissioning or placing authority, North Yorkshire safeguarding services, the police, an advocate or another body with responsibility for the matter.

The appropriate route will depend on the nature of the service, the individual's funding or commissioning arrangements and the subject of the complaint. The Learning Sanctuary will provide reasonable information about relevant escalation routes where it is able to do so.

14. ADVOCACY AND SUPPORT

Service users should be supported to express their own views wherever possible. They may be supported by a family member, carer, advocate or other trusted person, subject to their wishes, capacity and confidentiality.

Where there are concerns that a person has substantial difficulty being involved in safeguarding or care-related decisions and has no appropriate person to support them, staff should consider whether independent advocacy should be discussed with the relevant local authority or professional.

15. CONFIDENTIALITY AND DATA PROTECTION

Complaint records will be stored securely and accessed only by people who have a legitimate need to know. Information will be handled in accordance with the Data Protection Act 2018 and UK GDPR.

The Learning Sanctuary cannot promise absolute confidentiality. Information may need to be shared where necessary to protect a person from harm, comply with the law, cooperate with safeguarding or police enquiries, or conduct a fair investigation.

16. RECORDING COMPLAINTS

A record will be kept of formal complaints, including:

- the date and nature of the complaint;
- who raised it and on whose behalf, where applicable;
- the service user's views and involvement where relevant;
- actions taken to investigate;
- whether safeguarding or another procedure was triggered;
- the outcome and reasons;
- any actions, recommendations or service improvements;
- whether a review was requested and its outcome.

17. UNREASONABLE OR PERSISTENT COMPLAINANT BEHAVIOUR

The Learning Sanctuary will not label a complaint as vexatious simply because it is persistent, difficult, critical or ultimately not upheld. However, behaviour may become unreasonable where, for example, there are repeated demands to reconsider the same concluded matter without new information, abusive or threatening communication, excessive contact that prevents normal service delivery, or knowingly false allegations.

Any restrictions on contact must be proportionate, clearly explained, recorded and reviewed. They must not prevent a person from raising a new safeguarding concern or reporting new and significant information.

Threats, harassment or behaviour presenting an immediate safety risk will be managed under relevant health and safety, safeguarding or police procedures.

18. EQUALITY, DIGNITY AND NON-DISCRIMINATION

The Learning Sanctuary will handle complaints fairly and without unlawful discrimination. Reasonable adjustments will be made where required to enable disabled people to access the complaints process.

A person's disability, communication style, behaviour, mental capacity or need for support must not be used to dismiss or devalue their complaint.

19. LEARNING FROM COMPLAINTS

Complaints are an important source of learning. The Director will consider whether a complaint identifies a need to change a risk assessment, support plan, staff guidance, training, communication approach, environment, policy or wider service practice.

Where appropriate, learning will be shared with staff while protecting personal and confidential information.

20. LINKS WITH OTHER THE LEARNING SANCTUARY POLICIES

- Safeguarding Adults Policy and Procedure.
- Mental Capacity Act 2005 Policy and Procedure.
- Whistleblowing Policy and Procedure.
- Relational and Behaviour Policy.
- Positive Support, De-escalation and Physical Intervention Policy.
- Leaving the Service Unexpectedly (Absconding) Policy and Procedure.
- First Aid Policy and Procedure.
- Handling People's Money Policy.
- Health and Safety and Risk Assessment arrangements.
- Staff grievance and disciplinary arrangements, where applicable.

21. MONITORING AND REVIEW

The practical application of this policy will be monitored by the Director. It will be reviewed annually and sooner where legislation, North Yorkshire safeguarding arrangements, commissioning requirements, organisational learning or The Learning Sanctuary's service model changes.

Where current law, contractual requirements or applicable safeguarding procedures set a higher or different standard, the current requirement will take precedence.