

## Woodpecker Court

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# Woodpecker Court Complaint's policy

**V3**

# Version control

<b>Version</b>	<b>Reviewed by</b>	<b>Future Review date</b>	<b>Comments</b>	<b>Approved by board</b>
V1	ES	Apr 2021	Policy written and implemented	23/04/2020
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## **Introduction**

It is in everyone's interest that complaints about Woodpecker Court are resolved at the earliest possible stage. The experience of the first contact between the complainant and the provision can be crucial in determining whether the complaint will escalate. To that end, we must be clear about the procedures we will apply when we receive a complaint.

Woodpecker Court is supported by an Advisory Board who support and advise on the management and administration of Woodpecker Court.

Woodpecker Court has adopted the following procedure to deal with formal complaints from members of the provision or general public about appropriate matters relevant to the running of the site. This procedure is to be used only when informal attempts to resolve problems have been unsuccessful.

Appendix 1 Sharing your concerns about your child's education (A guide for parents and carers) can be used as a guide for parents/carers on how to deal with complaint.

## ***Framework of Principles***

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- ensure a fair investigation by an independent person, where necessary
- allow for a hearing of a panel of Board members, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the provision's Senior Leadership Team so that services can be improved.

## ***Initial concerns***

We need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

In most cases the tutor or mentor will receive the first approach. If the concern is not handled to the satisfaction of the person who has raised the issue, then the relevant member of the Senior Leadership Team can be contacted via reception.

## ***Making a Formal Complaint***

### **Stage 1**

Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the provision. If the matter is about the day-to-day running of the provision or the interpretation of provision policies, by members of staff of the provision or the actions or inactions of staff at the provision, the matter should be investigated by the Principal, or a member of

senior staff nominated by the Principal. If the matter is about policies as determined by the Advisory Board or the actions or inactions of the Advisory Board, then the matter should be dealt with by the Chair of The Advisory Board or member nominated by the Chair.

A complainant wishing to instigate the formal procedure should be asked to complete a complaint form (Annex 1). The provision should offer to help an individual to complete the form and the person providing this help should be unconnected with the complaint. It is essential to report the progress of any complaint and the final outcome. It is necessary that at each stage, the person investigating the complaint (the designated person) makes sure that they:

- establish what has happened so far, and who has been involved.
- clarify the nature of the complaint and what remains unresolved.
- meet with the complainant or contact them (if unsure or further information is necessary).
- clarify what the complainant feels would put things right.
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- conduct the interview with an open mind and be prepared to persist in the questioning.
- keep notes of the interview.

### ***Resolving the Complaint***

At each stage in the procedure, we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur.
- an explanation of the steps that have been taken to ensure that it will not happen again.
- an undertaking to review provision policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the provision could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. If the provision rejects the complaint, it is important to re-assure the complainant that the matter has been thoroughly investigated.

### ***Stage 2***

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a second stage. This stage will be referred to a panel of Board members established as outlined in Annex 2.

The Chair of the Panel will be elected by the Panel members and will be responsible for maintaining a further procedure as outlined in Annex 2.

### ***Timescale***

Complaints need to be considered and resolved, as quickly and efficiently as possible. An effective complaints process must have realistic time limits for each action within each stage, and this will be

communicated to the complainant. Where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 provision days.

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

Note: The Principal may delegate the investigation to another member of the provision's senior leadership team but not the decision to be taken.

During the investigation, the Principal (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 Principal will provide a formal written response within 15 provision days of the date of receipt to the complaint.

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

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.

If Complaints are received outside of term time, we will consider complaints made outside of term time to have been received on the first provision day after the holiday period.

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority (LA) safeguarding teams or Tribunals, this may impact on 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 Woodpecker Court 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.

A request to escalate to Stage 2 must be made to the Clerk, via the provision office, within 20 provision days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 provision days.

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

### ***Timescale if complaint reaches stage 2***

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 provision days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

At least 5 provision days before the meeting, the Clerk 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
- Request copies of any further written material to be submitted to the committee at least 3 provision days before the meeting.

### ***Mediation***

If, at any time, throughout the procedure from informal to the final decision of the Panel, the provision feels that mediation would help resolve the complaint, this can be arranged. By agreement the mediator can be a member of the Advisory Board (for complaints not relating to the actions / inactions of the Advisory Board).

### ***Monitoring Complaints***

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to provision improvements. When individual complaints are heard, the provision may identify issues that need to be addressed. The monitoring and review of complaints by the provision and Advisory Board can be useful to evaluating the provision's performance. Any discussion of complaints by the Advisory Board or others in the provision community should not name or be able to identify individuals.

### ***Policy for Unreasonable Complainants***

Woodpecker Court 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 the 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.

Woodpecker Court defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the provision, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaint's procedure.
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- changes the basis of the complaint as the investigation proceeds.

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- refuses to accept the findings of the investigation into that complaint where the provision's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- seeks an unrealistic outcome.
- makes excessive demands on provision time by frequent, lengthy, complicated, and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously.
- aggressively.
- using threats, intimidation, or violence.
- using abusive, offensive, or discriminatory language.
- knowing it to be false.
- using falsified information.
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the provision while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email, or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of The Advisory Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the provision causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from the provision site.

#### Complaint Stages

- 1) Informal if not resolved then could move to:
- 2) Formal complaint, only if completed on complaint form and if not resolved in 1)
- 3) Panel meeting including an independent member that could a representative from another school, or of similar professional standing.
- 4) At any stage mediation can be considered.



What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details.

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Signature:.....

Date:.....

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Official Use:

Date Complaint Received: .....

Date of acknowledgement sent: .....

By Whom: .....

Complaint referred to: .....

Date: .....

Outcome:

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## Annex 2: Establishing a complaints panel

The Clerk to the Board will make arrangements for the complaints panel to be appointed. The panel will consist of three members, one of whom must be independent of the management and running of the school.

When the clerk of The Board receives a copy of the complaint form, he/she will inform The Advisory Board that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other Board members.

*There are several points which any Board Member sitting on a complaints panel needs to remember:*

It is important that the complaint panel is independent and impartial and that it is seen to be so. No Board member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Board members need to try and ensure that it is a cross-section of the categories of its members.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the provision and the complainant. The complainant may attend the meeting with another person to represent them if necessary.

The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

The Board members sitting on the panel need to be aware of the complaint's procedure.

Panel members should not discuss the complaint outside of the meeting.

### ***Checklist for a Panel Hearing:***

The panel needs to take the following points into account:

- Evidence should be provided to the hearing in writing. The clerk is responsible for obtaining papers from both parties. Written papers must be provided to all participants in the panel hearing at least five days prior to the hearing itself.
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- A designated person from the panel may question both the complainant and the witnesses after each has spoken.
- The Principal or a designated person is then invited to explain the provision's actions and be followed by the provision's witnesses.
- The complainant may question both the Principal or designated person and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal or designated person is then invited to sum up the provision's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within ten provision days and the complaint will be kept on record. This will be in writing, as per the detail below:
- A written record to be kept of all complaints that are made and whether they are resolved following a formal procedure, or proceeded to a panel hearing; and any action taken by the

provision as a result of those complaints (regardless of whether they are upheld); and provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## Appendix 1: Sharing your concerns about your child's education (A guide for parents and carers)

Woodpecker Court recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

### **Should I complain to Woodpecker Court or the Local Authority?**

If you are concerned about any aspect of your child's education, you should contact the provision. If you are concerned about the actions or inactions of the Advisory Board, you should contact the Clerk to Woodpecker Court. If you are concerned about a service that the LA provides directly, then you need to contact the LA. In Kent, the Local Authority (LA) is Kent County Council.

### **When should I complain to the provision?**

The Principal is responsible for making decisions on a daily basis about the provision's internal management and organisation. So, you should contact the provision if you are concerned about a general issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened on site; or about wider issues, such as:
  - the overall running of the provision
  - a provision policy
  - the management of the provision budget
  - the use of provision facilities
  - services delivered by the provision

The provision has its own complaints procedures for dealing with these issues.

### **How do I complain to the provision?**

They will always want you to speak to a relevant member of staff as soon as you have a concern. If you are unsure who to talk to at this stage, please contact your child's class teacher / mentor or Reception. An informal approach is nearly always the quickest and most effective way of resolving your concerns. If you feel that your concern has not been resolved through this route, then it is important to ask the provision for their complaint's procedure (also available on the website). This explains what you should do next. The principal will use the following process and will advise you:

to speak to or write to the Principal who will look into your concern

to write to the chair of the Advisory Board if you are unhappy with the Principal's response or if the matter concerns the board.

The provision's procedures also offer an appeal to the Advisory body's complaints panel. This panel consists of three members including an independent representative from another school or someone of similar professional standing who have no prior knowledge of your complaint and will consider written and verbal submissions from you and the Principal.

### **Can I take my complaint further?**

For most complaints, you cannot take your appeal further than the Advisory Board. The LA cannot investigate provision matters on a parent's behalf nor can it review how the provision has dealt with your

complaint. Please read below about matters that you can complain to the LA about.

If you feel that the provision has acted unreasonably or not followed the correct procedures, you can write to the Chair of The Board. Further to this you are also able to write to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

### **When can I complain to the LA?**

The LA is responsible for providing a range of services to students and their parents or carers such as:

- statutory assessments for special education needs (SEN)
- a parent partnership service for parents of children with SEN
- assessments, support and advice by the educational psychology, education welfare and behaviour support services
- admission and transfer arrangements
- countywide planning of school places

In some cases, parents may have a legal right of appeal to an independent tribunal or panel. These cases include special educational needs assessments, admissions, and exclusions. Staff in the relevant service will explain these procedures to you. In other cases, the LA has its own complaints procedure.

### **How do I complain to the LA?**

If you are concerned about one of the LA services, please ask the provision who the appropriate member of LA staff should be contacted as soon as possible. Most concerns are successfully and quickly resolved like this. However, if you are unhappy with the response, you should ask for a copy of the individual service's own complaints procedures or the LA's procedure.

The LA's procedure for investigating and responding to complaints is available as a fact sheet, "Comments, Suggestions and Complaints", which includes a complaints form. Leaflets are available from County Council information centres and local education offices.