

Complaints Resolution Policy NAS Schools and Children’s Services Policy and Procedure – QS-0010

Reference Number	QS-0010
Version Number	V1.0
Date of Issue	30 May 2019
Latest Revision	26 th November 2020
Distribution	All employees
Owner	Nominated Individual
Policy Lead(s)	Principals
Date ratified by board	7 th December 2020

EQUALITY STATEMENT

We will regularly review our policies to ensure that we are

- promoting equality of opportunity
- eliminating discrimination and harassment
- valuing diversity and promoting positive relationships
- providing an inclusive education which enables all pupils to develop their full potential
- meeting the requirements of the Equality Act 2010 and the protected characteristics therein.

QUALITY OF LIFE FRAMEWORK

All NAS schools and Children's services follow our Quality of life (QoL) Framework. In implementing this framework we listen to pupils, parents and the child's keyworker to understand what is important to them in relation to their quality of life. We then work as a transdisciplinary team to ensure we plan each child's education carefully and cohesively, shaping each pupil's provision around their EHCP and agreed developmental goals in order to develop pupils' knowledge and skills now and for the future.

Complaints Resolution Policy

The National Autistic Society is committed to providing high quality, transparent and accessible services to everyone we educate and support across our schools and children’s services. To do this we need you to tell us when we do things well and when we get things wrong.

- We want to help resolve all complaints as quickly as possible.
- We will handle any expression of dissatisfaction with our services which calls for a response as a complaint.
- We will listen to your complaints, treat them seriously, and learn from them so that we can continuously improve our service

You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.

Table of Contents

Complaints Resolution Policy	2
Document Title	Error! Bookmark not defined.
Scope	3
What is a complaint?	3
Safeguarding children and young people:	4
Our standards for handling complaints	4
How to complain to us	5
Complaints procedure	5
<i>Stage 1 (Informal stage of complaint)</i>	6
<i>Stage 2 (Formal Stage of Complaint – must be made in writing)</i>	6
<i>Stage 3 (Appeal)</i>	6
Quick Guide to Making a Complaint	8
Timescales	9
Resolution	9
Recording complaints	10
Contacting us	10
Appendix One: Appeals procedure	11
Appendix Two: Unreasonable complaints	12

Scope

This policy applies to anyone who wishes to raise a concern about a school or children's service (children's residential services, children's homes or clubs or activities for children) for example:

- A pupil educated in a NAS School or a child or young person supported in a children's service
- Someone advocating or helping a person or a child who cannot complain themselves.
- A person who has been asked to do so by the young person or child affected
- A parent or guardian representing a child educated or supported by the NAS
- An NAS member or member of an organisation related to the NAS; a funding organisation / fund raiser.
- A member of the public
- NAS volunteers
- Young people supported by NAS volunteers

The Nominated Individual and Safeguarding Lead has oversight of all formal complaints and will review this policy at least annually, but sooner as the need arises.

What is a complaint?

A complaint is an expression of dissatisfaction, whether justified or not.

Our policy covers complaints about:

- The wellbeing of a young person educated or supported by the NAS,
- The standard of service you or your child should receive from us,
- The conduct of our staff in delivering that service,
- Any action, or lack of action, by our staff or others engaged on NAS business.

Note that any dissatisfaction arising from the proper application of a NAS policy falls outside the scope of this complaints policy.

Safeguarding children and young people:

If there is a concern about safeguarding a child, or there is a belief that a child may be at risk of serious harm, the school / children's service will immediately refer the case to child protection and welfare services. If there is a safeguarding concern, we will investigate this under our Safeguarding Policy and not through this complaints policy. Where a complaint is about the manner in which a safeguarding matter has been handled then that complaint will be addressed through this policy.

Please refer to the school's website for more information on our school's provision for protecting our pupils. Please refer to our Safeguarding Children Policy SO-0189.

Our standards for handling complaints

- We treat all complaints seriously.
- We can receive complaints by telephone, letter, email or in person. We can also support you with any reasonable adjustments to access this process.
- You may wish to have a third party act on your behalf. A third party is any person or organisation helping or supporting you.
- You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.
- Any information that you give will be kept confidential (except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them) in line with our charity's Confidentiality policies (Data Protection SC-0001 and Record Retention SC-0002).
- If you wish to remain anonymous we will support this, but we may not be able to update you on the outcome of your complaint or offer you the opportunity to feedback.
- We will respond to your complaint promptly.
- We will not treat you less favourably than anyone else because of your:
 - sex
 - legal marital or same-sex partnership status: this includes family status, responsibility for dependents, and gender (including gender reassignment, whether proposed, commenced or completed)
 - sexual orientation
 - colour or race: this includes ethnic or national origin or nationality
 - disability
 - religious or political beliefs, or trade union affiliation
 - any other unjustifiable factors, for example language difficulties, age, pregnancy and maternity / paternity
- Investigations will be cross referenced with other parties, where relevant, when external organisations are implicated in the concern raised.

How to complain to us

If you wish to make a complaint, you can do so:

- in person at the school or service (informal stage only)
- by email – each school should provide their email address for this
- letter to the school or service – each school should provide their address for this
- telephone (informal stage only) – each school should provide their contact telephone number
- by asking a member of staff to help you writing your complaint. Please go to school office. (Informal stage only)

If you require different adjustments, for example if you have English as a second language, we can support you with an interpreter or if you have disability and need additional support, let us know by calling the School or children's service and we will put arrangements in place to help you where we can.

If your complaint is about the Principal or Manager, please contact the Managing Director, NAS Education and Children's Services and NAS Academies Trust or Nominated Individual and Safeguarding Lead.

Complaints procedure

We have a three-stage complaints procedure.

If you have a concern about an NAS service, school or team, the easiest way to get your concern resolved will be to raise it directly with your child's teacher, classroom assistant/learning mentor/support worker or via the school office.

In children's services please raise your concerns with your child's keyworker or any member of staff on duty.

At each stage it will help us to resolve your complaint quickly if you can give us as much clarity and detail as possible. This includes clearly stating that you are making a complaint and if in writing, providing any documents and records of correspondence. If we do not have all the details needed to deal with the complaint, we may contact you and ask you for further information.

We will not respond to anonymous complaints but may review the contents of any anonymous complaint under another relevant policy and procedure.

We reserve the right to use our discretion to appoint external investigators at any point in the process for particularly serious or sensitive complaints

Stage 1 (Informal stage of complaint)

- This is the first opportunity for us to resolve your concerns. We hope your complaints will be resolved at this stage and within 5 working days
- To complain informally, contact your child's teacher or the school office and an appropriate member of staff will review the complaint, take any necessary action and get in touch with you.
- Or if your concern is about a residential service or club, contact your child's keyworker or any staff member on duty.

Stage 2 (Formal Stage of Complaint – must be made in writing)

- If you are not happy with our response at Stage 1, your complaint will then be investigated by someone more senior in the school or children's service, not linked directly to the complaint and competent to investigate the issue(s) raised. This will typically be the line manager of the subject of the complaint or the Principal/Children's services manager. Should your complaint directly concern the school principal, then the Local Governing Body will nominate a governor to undertake the investigation.
- Your written complaint should detail the issues to allow it to be investigated thoroughly. We can signpost you to someone that can help you with this.
- It would help more quickly resolve the complaint if you tell us what you feel would resolve the complaint.
- We will acknowledge receipt of your complaint in writing within 5 working days.
- We will send a full response within 20 working days of receiving each complaint. Our response to the complaint will detail the evidence considered in forming a view, a decision to uphold all or part, or dismiss the complaint, the proposed resolution, the process for achieving the proposed resolution, any lessons learned and next steps.

Stage 3 (Appeal)

- If you are still unhappy that we have not resolved your complaint, you may request a review of the complaint's handling and the outcome at Stage 2.
- Your to appeal should be made in writing to the school or to the Nominated Individual and Safeguarding Lead at yourview@nas.org.uk within 10 working days of receiving your response from Stage 2.
- Your appeal must outline why you are appealing the decision.
- We will organise a panel of at least three people who were not directly involved in the complaint. One panel member will be independent of the running of the school or service
- You can bring someone with you to support you at the Appeals Panel
- We will usually convene the Appeal Panel within 20 working days and you will be notified no less than 1 week before that date.
- Any supporting documentation that you have about the complaint must be sent to the Appeal Panel, at least 5 days before the appeals panel hearing.

The panel's decision is final.

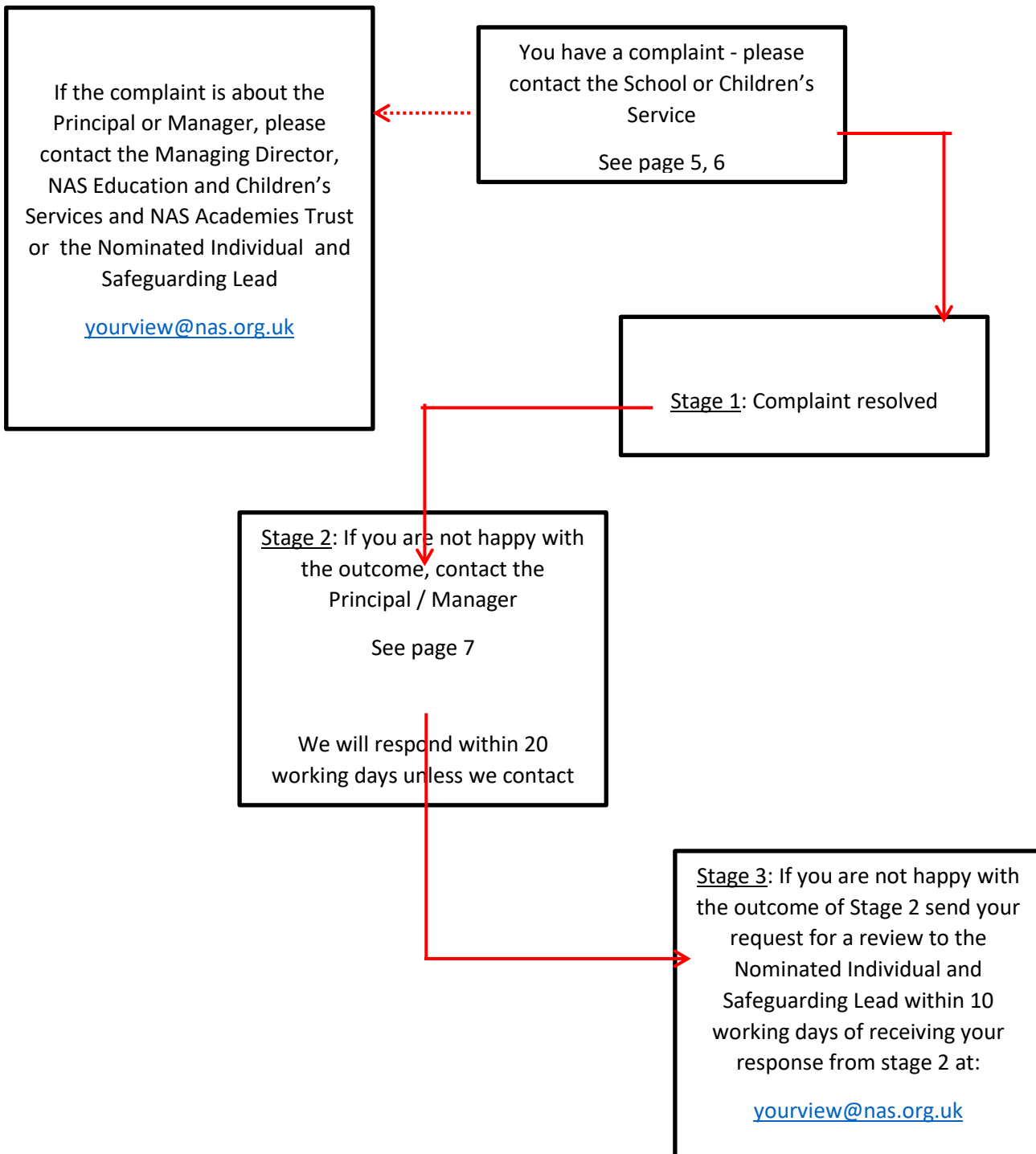
If you are unhappy with the outcome you may wish to contact the following:

- In England complaints can be submitted online at <https://www.gov.uk/complain-about-school>

Or for Children's Social Care services to

- In England
Ofsted: Email enquiries@ofsted.gov.uk or call on 0300 123 1231 for England
- In Scotland
Care Inspectorate Scotland at
<http://www.careinspectorate.com/index.php/complaints>
or call on 0345 600 9527

Quick Guide to Making a Complaint



Timescales

Stage 1

- We will acknowledge complaints within 5 working days of receiving each complaint.
- We will send a full response within 14 working days of receiving each complaint.

Stage 2

- We will acknowledge complaints within 5 working days of receiving each complaint.
- We will send a full response within 20 working days of receiving each complaint.

Stage 3

- If you would like to lodge an appeal. You should write to the Nominated Individual and Safeguarding Lead at yourview@nas.org.uk within 10 working days of the outcome at Stage 2.
- If no request for an Appeals Panel hearing is received within 10 working days we will close the complaint.
- We will usually hold the appeals panel within 20 working days from the request being received. Where it is not possible to find a mutually convenient date within that timescale, we will take reasonable steps to agree a time and date with you.
- Any supporting documentation relevant to the complaint must be sent to the Appeals Panel by both parties at least 5 working days before the appeals panel hearing
- The chair of the panel will notify you of the panel's decision in writing within 5 working days of the appeal hearing.

Extending time limits

- We aim to complete our investigation into all complaints received within the timescales set out above.
- In a limited number of cases - for example, if a complaint is very complex, it may be necessary to extend the time limit to ensure we have all the information necessary to deal with it.
- If this is the case we will keep you informed of progress with the investigation, the reasons for the delay, and inform you of next steps.

Resolution

If the outcome of your complaints shows that we have got things wrong, we will:

- accept responsibility and apologise
- explain what went wrong and why
- put things right by making any changes required

- learn lessons from mistakes and change policies and practices where proportionate and sensible to do so

An apology is generally the most appropriate action, but other action may also be necessary in some circumstances.

Recording complaints

Complaint details, outcomes and actions taken are recorded by us and used for service improvement. We record all complaints we receive and collect data from them to help us understand what types of problems in our schools and children's services and how well we are doing to resolve them.

We value your feedback and will use it to help us to:

- get things right in the future if we have not done so already
- be more open and accountable
- act fairly and proportionately
- seek continuous improvement

We will handle your information so that it is processed and retained appropriately and legally, in line with data protection legislation.

Contacting us

There are a variety of ways that people can make complaints:

- Telephone to your school or children's service
- In writing to your school or children's service
- Email: yourview@nas.org.uk
- Website: www.autism.org.uk
- Writing to:
The Nominated Individual and Safeguarding Lead

The National Autistic Society

393 City Road

London

EC1V 1NG

Appendix One: Appeals procedure

The Appeals Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The complainant and investigating officer will enter the hearing together
2. The chair will introduce the panel members and outline the process
3. The complainant will explain the complaint
4. The investigating officer and panel will question the complainant
5. The investigating officer will explain the service or school's actions
6. The complainant and panel will question the investigating officer
7. The complainant will sum up their complaint
8. The investigating officer will sum up the service or school's actions
9. The chair will explain that both parties will hear from the panel in writing within 5 working days
10. Both parties will leave together while the panel deliberates.

The appeals panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

Appendix Two: Unreasonable complaints

We are committed to dealing with all complaints fairly, fully, and in a timely manner and we will not normally limit the contact which complainants have with staff.

Sometimes, however, people with complaints or other issues may treat staff and others in a way that is unacceptable. Whilst we understand that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behavior toward our staff.

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include people who complain in an unreasonable manner and those who do not act in an appropriate way towards our staff.

This includes:

Actions which are:

- Out of proportion to the nature of the complaint, or
- Persistent – even when the complaints procedure has been exhausted

Or

- Personally harassing, or
- Unjustifiably repetitious or
- Obsessive, harassing, or prolific
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Making inflammatory statements and unsubstantiated allegations
- Repeatedly demanding disciplinary action be taken against staff
- Recording meetings or telephone conversations without consent.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way not in line with the Charity's aim of reaching a resolution and working with the Charity

An insistence on:

- Pursuing unjustified or unmeritorious complaints and/or
- Unrealistic outcomes to unjustified complaints

An insistence on:

- Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
- Making complaints in public; or
- Refusing to attend appointments to discuss the complaint.

The person complaining will first be told that we consider their language offensive or their behaviour unacceptable, and will be asked to stop using such language or behaviour.

Where complaints are deemed vexatious or the unacceptable behaviour does not stop, the complainant will be notified in writing that no further correspondence will be entered into on the matter in question.

If further contact is necessary, the complainant will be informed that it will be made through a Director or their nominated officer/s. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

If you disagree with a decision made by the Charity to regard your behaviour as unreasonable, you can challenge it by contacting the Company Secretary at the National Autistic Society, 393 City Road, London EC1V 1NG.

All incidents of harassment or aggression will be documented and referred to senior staff. In appropriate circumstances these matters may be referred to the police and the Charity may consider taking appropriate legal action against the complainant, if necessary, without prior warning.