



## Complaints Procedure

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## Who can make a complaint?

This *Complaints Procedure* is not limited to parents or carers of children registered at Pod81. Any person, including members of the public, may complain to Pod81 about any provision of facilities or services we provide

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## The difference between a concern and a complaint

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 taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Pod81 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, Ms Rebecca Barnes will refer you to a member of the student's referral school.

Similarly, if the member of staff directly involved feels unable to deal with a concern, Ms Rebecca Barnes will refer you to another staff member.

The staff member may be more senior but can be someone other than that. 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, Pod81 will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

## How to raise a concern or make a complaint

A concern or complaint 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.

Concerns should be raised with a Pod81 Centre Manager. If the issue remains unresolved, the next step is to make a formal complaint.

In the first instance, complaints against Pod81 staff should be made to Ms Rebecca Barnes via the Pod81 office. Please mark them as *Private* and *Confidential*.

Complaints that involve or are about Ms Rebecca Barnes should be addressed to Mrs. R. Maqsood, via Pod81 office. Please mark them as *Private* and *Confidential*.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please get in touch with the Pod81 office. You can also ask third-party organisations like *Citizens Advice* to help you.

Following equality law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this complaints procedure. For instance, we provide information in alternative formats, assisting complainants in raising formal complaints or holding meetings in accessible locations.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, Ms Rebecca Barnes, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

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. If exceptional circumstances apply, we will consider complaints made outside of this time frame.

## Complaints received outside of term time.

We will consider complaints made outside of term time to have been received on the first Pod81 day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers complaints about the provision of community facilities or services by Pod81, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Whom to Contact
Admissions to Pod81 Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, should be raised with the student's <a href="#">referral school</a> .
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and following relevant statutory guidance.  If you have serious concerns, you should contact the student's referral school's designated officer (DO), who is responsible for child safeguarding.
Exclusion of children from Pod81	Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/school-discipline-exclusions/exclusions">https://www.gov.uk/school-discipline-exclusions/exclusions</a> <i>*complaints about the application of the behaviour policy can be made through Pod81's complaints procedure.</i>

Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for education for whistleblowers who want to avoid raising matters directly with their employers. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff with concerns about Pod81 should complain through Pod81's complaints procedure. You may also be able to complain directly to the student's referral school.</p>
Staff grievances	Complaints from staff will be dealt with under Pod81's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under Pod81's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
National Curriculum – content	Please get in touch with Ms Rebecca Barnes in the first instance. If you are still not satisfied with the National Curriculum content, you should contact the student's referral school.

Suppose other bodies investigate aspects of the complaint, for example, the police, local authority (LA) safeguarding teams or tribunals. In that case, this may impact 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.

Suppose a complainant commences legal action against Pod81 in relation to their complaint. In that case, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, Pod81 wants to resolve the complaint. We will acknowledge that the complaint is upheld in whole or part if appropriate. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Pod81 policies in light of the complaint
- an apology.

## Withdrawal of a complaint

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 Ms Rebecca Barnes (unless they are about Ms Rebecca Barnes - see *above*) via the Pod81 office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

Ms Rebecca Barnes will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 working days.

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

*Note: Ms Rebecca Barnes may delegate the investigation to another member of Pod81's leadership team but not the decision to be taken.*

During the investigation, Ms Rebecca Barnes (or investigator) will:

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

At the conclusion of their investigation, Ms Rebecca Barnes will provide a formal written response within 10 working days of receiving the complaint.

If Ms Rebecca Barnes cannot 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 explain the decision made and the reason(s) for it. Where appropriate, it will include details of actions Pod81 will take to resolve the complaint.

Ms Rebecca Barnes will advise the complainant on how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about Ms Rebecca Barnes, the Centre Manager, s. R. Maqsood, or a member of the student's referral school will be appointed to complete all the actions at Stage 1.

### Stage 2

Stage II only considers matters/complaints relevant to a referring school.

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.

This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made to Ms Rebecca Barnes, via Pod81 office, within 10 working days of receipt of the Stage 1 response.

Ms Rebecca Barnes will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 working days.

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

Ms Rebecca Barnes will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 working days of receipt of the Stage 2 request. If this is not possible, Ms Rebecca Barnes will provide an anticipated date and inform the complainant.

If the complainant rejects the offer of three proposed dates without good reason, Ms Rebecca Barnes 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.

Pod81 will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. However, they will be sensitive to the complainant's needs in making their decision.

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 Pod81 meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a Pod81 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.

Representatives from the media are not permitted to attend.

At least 10 working days before the meeting, Ms Rebecca Barnes 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 additional written material to be submitted to Pod81 at least 10 working days before the meeting.

Any written material will be circulated to all parties at least 10 working days before the meeting date. Pod81 will not usually accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Pod81 will also not review any new complaints 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 generally not permitted unless a complainant's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations occur. Consent will be recorded in any minutes taken.

Pod81 will consider the complaint and all the evidence presented. Pod81 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, Pod81 will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to Pod81's systems or procedures to prevent similar issues in the future.

Stage 2 will be heard by Pod81 and member(s) of the student's referral school.

The response will detail any actions taken to investigate the complaint and explain the decision made and the reason(s) for it. Where appropriate, it will include details of actions Pod81 will take to resolve the complaint.

The response will also advise the complainant on escalating their complaint should they remain dissatisfied.

## Next Steps

Suppose the complainant believes Pod81 did not handle their complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law. In that case, they can contact an appropriate member of the student's referral school after they have completed Stage 2.

The student's referral school will not normally reinvestigate the substance of complaints or overturn any decisions made by Pod81. They will consider whether Pod81 has adhered to education legislation and any statutory policies connected with the complaint.

## Complaint Form

Please complete and return to Pod81 (*either Ms Rebecca Barnes or a designated member of the student's referral school – Pod81 to delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

**Please give details of your complaint, including whether you have spoken to anybody at Pod81 about it.**

What actions 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 who:

The complaint referred to:

Date:

## 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
- cooperate with Pod81 in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing with the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- Refuse from publicising their complaint's details on social media and respect confidentiality.

### Investigator

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

- Providing a careful, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- We are liaising with the complainant and the complaints coordinator 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 Ms Rebecca Barnes or an appropriate member of the student's referral school that identifies the facts, identifies solutions and recommends courses of action to resolve problems.

Ms Rebecca Barnes or an appropriate student referral school member will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Student's Referral School**

The student's referral school will each have its own *Complaints Procedures*.

You can contact the school directly, or we will obtain a copy of the document.