

Policy Number	1.7	Review Cycle	3 years	Reviewer
Date Created	01/03/2018	Review Date(s)	26/11/2020	Principal: LB
Author	Principal: LB			
Delegated Committee	Health, Safety and Estates			

This Policy should be read in conjunction with the following Landmarks policies and documents:

Policies	Documents
Learner Complaints	Employee Handbook

All college policies are impact screened by the Safeguarding, Prevent and Equalities Committee (SPEC) when material changes are proposed to policies. It is for the Policy Author to highlight to SPEC when material changes are proposed.

The policy has been reviewed using the Equality Impact Screening tool (EIS), positive impact is explicitly intended and very likely.

This policy was EIS by SPEC on: 01/03/2018

Aim

- To provide an effective means of enabling staff, parents/carers, advocates, and outside agencies to make a complaint about any aspect of Landmarks' service or to respond to a complaint on the quality or level of service. (Learners have an accessible policy available to raise complaints. Please see Policy 1.8a - Learner Complaints Policy.)
- To ensure complaints are investigated effectively and promptly.
- To seek to resolve concerns and complaints at an early stage as far as possible and where this is not possible to provide opportunity for complaints to be addressed proportionately.
- To give complainants a clear response to their concerns or complaints, within the time limits given in the procedure (Annex A).
- To monitor concerns and complaints to ensure ongoing service development.

Definitions

- Complaint: An expression of dissatisfaction.
- Complainant: The individual raising a complaint.
- Calendar days: The college does not operate to full capacity during non-term time, therefore calendar days are calculated within terms, which may extend timeframes. Ask the college for term time details.

A complaint could be in relation to:

- The quality of education.
- The quality of learning support.
- The environment and facilities.
- The actions of a specific staff member.
- The actions of another learner.

Complaints are an opportunity to review and improve services. We aim to create an atmosphere where learners, their parents/carers, advocates, and outside agencies:

- Are encouraged to feel that complaints and suggestions are welcome.
- Know that they have a right to express a complaint, that it will be taken seriously, and treated with respect.
- Believe that complaints will lead to positive action and know that change and improvements will take place as a result.
- Be able to raise a complaint in a straightforward way to an easily accessible staff member.

Responsibilities

- All staff must attempt to resolve complaint expressed directly to them, or to staff for whom they have been delegated responsibility for, and for promptly drawing the complaint to their Line Manager's attention.
- Managers are responsible for ensuring 'stage one complaints' are reviewed and resolved to the complainant's satisfaction. Where this is not possible, they are responsible for ensuring the complainant is given information about stage 2 and 3 of Landmarks' Complaints Procedure.
- They are also responsible for recording the complaint and any outcome on

the correct record sheet (Annex B) and for passing on the record to the respective complaint file/s.

- The Principal is responsible for ensuring that Stage 2 complaints are investigated, and that the complainant receives a written response, within the set time limits.
- They will also ensure that statistics about complaints are compiled and reported to Trustees and assume responsibility for the upkeep of the Complaints file.
- The Principal is responsible for ensuring that Stage 3 complaints are forwarded to the Chair of Trustees and that the complainant receives a written response, within the set time limits.

Appendices

Annex A: Complaints Procedure

Annex B: Complaints Recording Form

Annex C: Guidance for Staff

Annex D: Complaints Procedure Flowchart

Annex A: Landmarks Complaints Procedure

Introduction

Many complaints result from basic misunderstandings or poor communications; some may be unreasonable, and some may have no ready solution, but it is important that the complainant is given the courtesy of a clear response and explanation.

This complaints policy will be readily available on the College's website and key documentation such as the Staff Handbook.

Learners will have their own accessible version of a complaints policy which will also be available on the college's website and in the Learner Handbook. Where complaints are being made by family members on behalf of the learner, the College will work with the family member to establish consent with the learner to pursue the complaint.

Complainants can also take their complaints direct to outside agencies at any time or at any point in the Complaints process. Outside agencies include bodies such as the Local Government & Social Care Ombudsman, the Education Skills and Funding Agency (ESFA), or the local Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS). In many circumstances external agencies will advise the complainant to use all College procedures before proceeding with their own investigation.

Records of all complaints will be open to internal and external inspection as required.

Outside Agencies Contact Information

The Local Government & Social Care Ombudsman

- For concerns and complaints relating to learners receiving social care funding.
- Telephone: 0300 061 0614
- Website: <https://www.lgo.org.uk/adult-social-care>

Education and Skills Funding Agency (ESFA)

- For concerns and complaints relating to learners receiving ESFA funding.
- Email: Complaints.ESFA@education.gov.uk
- Post: Complaints Team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

SENDIASS

- Please note that contact details for SENDIASS services are different for each local authority. For more information, please contact the College who will be able to assist you in finding the details for your local authority.

Stage One

- This stage deals with complaints made by individuals about issues of a day-to-day nature, which can usually be resolved relatively simply and swiftly.
- The complainant and/or their advocate are to be offered the opportunity to discuss the matter with a staff member/s and be provided with information on advocacy support. This will occur within 7 working days of receiving the complaint and the staff member will promptly inform their respective Line Manager of the complaint followed by the outcome.
- All documentation will then be handed to the Principal for recording and monitoring purposes.
- If the staff member is unable to resolve the complainant's satisfaction, they will inform the complainant about Stage 2 of the College's Complaints Procedure and will also give them the information on how to contact the relevant external agencies, should they wish to make their complaint outside of the College.
- In any case where the complainant requests legal representation or their concern or complaint is presented by a legal representative (solicitor, barrister or legal executive), the matter is to be referred to the College Principal immediately.
- All Stage 1 complaints will be recorded on the complaints record sheet and kept within the central complaints file with the Principal.

Stage Two

- If a complaint is unable to be resolved at Stage 1 to the satisfaction of the complainant, then they can take the complaint to Stage Two by writing to the Principal who will arrange for an investigation to take place into the complaint.
- The Principal will name the person who will be undertaking that investigation, who will then set a date for completion of the investigation.
- As part of the investigation the person investigating the complaint may also:
 - Read any relevant documents on the individual's records.
 - Refer to any relevant policy or procedure.
 - Interview the complainant by prior appointment, in a place convenient to the complainant. The complainant may have a relative, advocate or representative of their choice present.
 - Interview any staff concerned.
- The person investigating the complaint will then draw together the relevant information, evaluate the complaint or concern and compile a report. This report will outline the complaint, outcome of the investigation, supporting information or documentation, recommendations and be forwarded to the Principal.
- Within 60 calendar days of the date of progressing the complaint to Stage Two, the Principal will send a written reply to:
 - The complainant.
 - The complainant's representative where applicable.
 - Any other person considered to have sufficient interest in the complaint, with the permission of the complainant or their representative.
- The reply will also be filed in the Complaints file.
- In cases where the decision is wholly or partly in the complainant's favour, the letter will include an apology and an explanation of how the College proposes to correct matters and improve the service. The letter will also

include an explanation of the right to appeal, and the appeal process (Stage Three).

- In any case where it is not possible to make a full written response to a Stage 2 complaint within 60 calendar days of receipt of it, an explanation or interim response will be sent to the complainant and their representative within 60 calendar days with an indication of when a full response will be made.

Stage Three

- The complainant has a right to appeal if they are not satisfied that the complaints procedure **has been correctly followed**. The appeal must be made to the Chair of Trustees within 7 calendar days of receipt of the letter regarding the outcome of the Stage Two investigation.
- The Chair of Trustees will investigate how the complaint was carried out.
- The Chair of Trustees reserves the right to appoint a fellow Trustee to investigate in their name.
- The Chair of Trustees or nominee will compile a response detailing the outcome of the appeal. This response will be filed in the Complaints file.
- The Chair of Trustees will send the response to those documented above with the outcome of the appeal.
- This will be completed within 21 working days of receipt of the written request for an appeal.
- In any case where it is not possible to make a full written response to the appeal within 21 calendar days of receipt of it, an explanation or interim response will be set to the complainant and their representative within 21 calendar days, with an indication of when a full response will be made.

This concludes Landmarks internal complaints procedure, and should complainants remain dissatisfied the advice of the college is to seek recourse externally.

Vexatious Complaints

- A vexatious complaint is one which is made with the intention to cause inconvenience, harassment or expense to an organisation. If it is demonstrated that a complaint has no basis or is a repetition of a previous complaint for which the complaints procedure has been followed and exhausted, it may be classed as a vexatious complaint. Every complaint that is received by the College will be considered. Where a senior manager has good reason to believe that a complaint is vexatious, it will be acknowledged, recorded and no further action taken.
- The complainant can at any time take their complaint to an external agency and the College will liaise with the appropriate agency to deal with any complaint it receives.

Annex B: Landmarks Concern or Complaint Recording Form

Number

ESFA	LLL	OTHER
------	-----	-------

Stage One Stage Two Stage Three Stage Four

Name of Complainant:

Address:

Concern or complaint or reported to:

Date:

Confirm Concerns and Complaints Procedure Explained Yes / No

Details of Concern or Complaint:

Investigation carried out by:

Date carried out:

Action – Outcome Taken:

Date of Response to Complainant: By Whom:

Any Other Comments:

Complaint substantiated

Complaint partially substantiated

Complaint not substantiated [tick one box only]

Annex C: Guidance for Staff

Is there a safeguarding issue?

When receiving either a verbal or written concern or complaint consideration you must consider whether this could be a safeguarding issue. If there is any indication that the complaint or concern may be a safeguarding issue, then the staff member must immediately inform the designated safeguarding leads and follow their guidance.

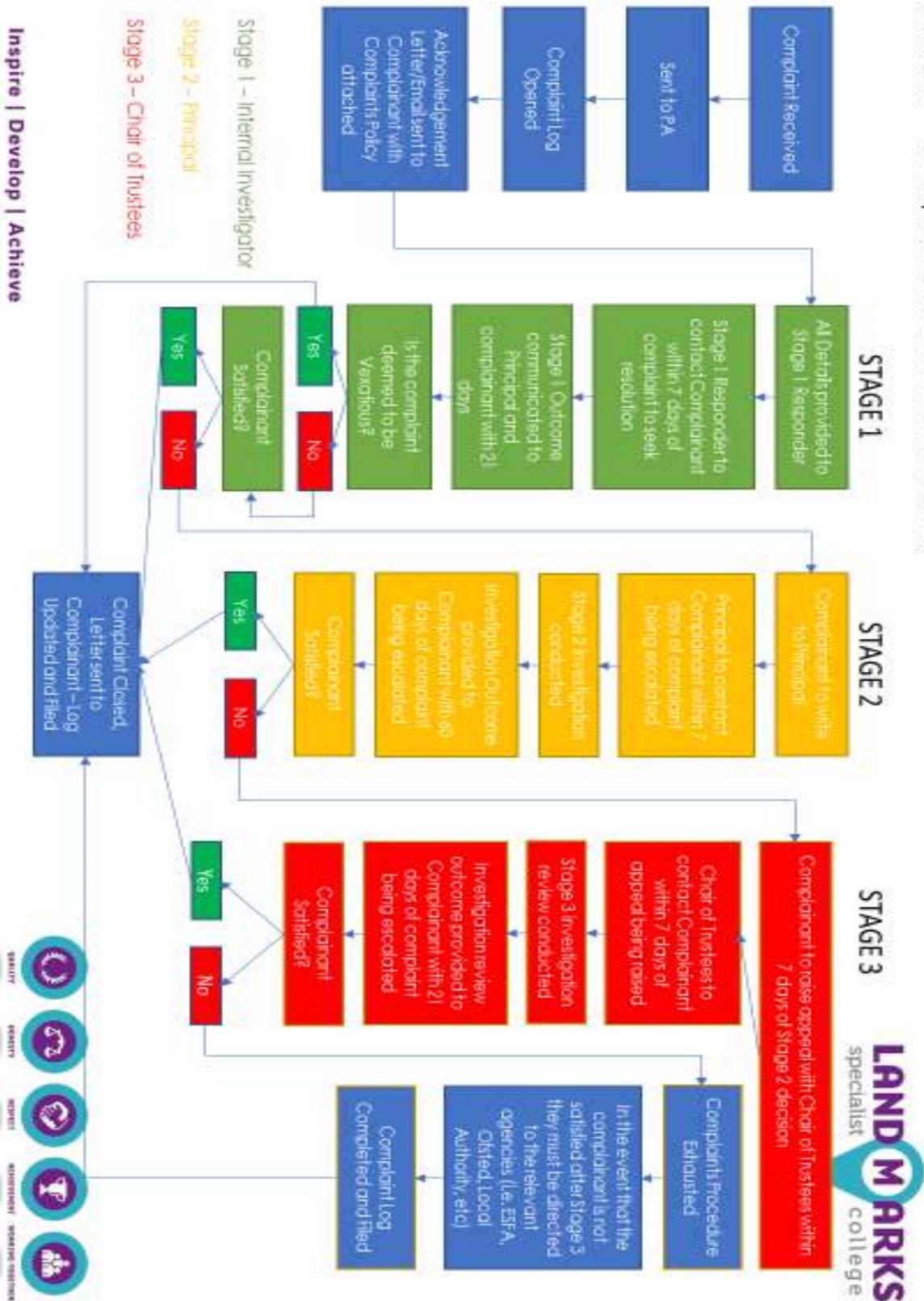
Suggestions for dealing with a concern or complaint:

- Listen, be courteous and calm.
- Accept the person's right to complain or raise a concern.
- Clarify exactly what the concern or complaint is and remember to record this on the Record Sheet (Annex B).
- Explain any relevant policy and information to the person.
- Explain what is, and what is not, in your power to do.
- Explain exactly what you are going to do about the complaint or concern and whom you are going to inform.
- If you are not sure how to proceed, seek guidance from a senior member of staff and inform the complainant that you are going to do this and then come back to them.
- Explain that you will be recording the concern or complaint in the Complaints File.
- Be positive; try to resolve the concern or complaint if you can.
- Always inform your line manager about any concerns and complaints you receive, even if you resolve them.
- If the complaint or concern is about another staff member always seek guidance from your line manager straight away, or senior manager if necessary. Things to avoid when dealing with a concern or complaint
- Take the complaint or concern personally
- Let your response to the concern or complaint become a further cause of complaint

Remember your first response to a concern or complaint will have critical impact on the final outcome

Annex D: Complaints Procedure Flowchart

Annex D – Complaints Procedure Flowchart



Inspire | Develop | Achieve

