



Complaints & Representations Procedures & Policy

Last Review: November 2022

Timescale of Review: Annually

PROTECTED CHARACTERISTICS

For the purposes of this policy, discrimination means treating people less favourably than others on the grounds of their age, sex, marital status, sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, whether this be direct or indirect by applying a provision, criterion or practice, which disadvantages such persons.

Introduction

- This document sets out the organisation's procedure for addressing complaints and for the use of Local Authority departments, Inspectorates and parents or carers. It is advised that this or entering into this procedure you have read The Amicus Community Home Statement of Purpose which will give a general overview of Amicus' ethos and philosophy.

This Policy should be read in conjunction with the 'Vexatious Complaints & Harassment Policy

Aims and Objectives

- Amicus will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed and aim to resolve it through open dialogue and mutual understanding.

Responsibility of The Amicus Community

- Complaints should be directed to Rebecca Newton who is the Responsible Individual and School Proprietor for the organisation (and Strategic and Clinical Director). She can be contacted on 01243 544107 or via email: rebecca.newton@theamicuscommunity.com

- The procedure around complaints is a good practice guide which applies to most general complaints. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal
- Any staff wishing to raise a complaint should use the organisation's Grievance Procedures. These can be found in Amicus' Employee Handbook and the Grievance Policy.
- Concerns about allegations of child abuse and staff behaviour / practice, must be dealt with through separate agreed procedures that relate to these issues. For example, by following the organisation's Child Protection and Safeguarding Policies and Procedures. All such matters should be reported to the Amicus Safeguarding Team; Lucy Hairsine and Leeha Watney as the Designated Safeguarding Leads (DSL) for Amicus or Jo Brown as Deputy DSL.
- Written records of all complaints and their outcomes will be kept, whether they were resolved at the preliminary stage, when a complaint is submitted in writing or whether they proceeded to a panel hearing.
- Amicus will make all parents/ carers aware of the existence of the organisation's Complaints procedure. This is done via meeting with the parents at least annually – when the child first commences their placement and at parent's evenings or as part of family work. Local/ Placing Authorities and Network Professionals are also made aware of our Complaints Policy and Procedure and this is published on our company website.
- No person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the Responsible Individual considers it appropriate.

Stage 1 - Informal

- If you feel that a concern has not been addressed through discussion with the Home Manager or Headteacher or that the concern is of a sufficiently serious nature, please make an appointment to discuss it with the Responsible Individual / School Proprietor who will consider any such complaint very seriously and will arrange a meeting to discuss this with you further within seven (7) working days. Most complaints can be resolved at this stage.

Stage 2 – Formal

- If the matter cannot be resolved, or your complaint is about the Responsible Individual / School Proprietor then it may be appropriate for you to write or telephone to the Co-Director or Amicus Advisory Board at the addresses and telephone numbers given in The Amicus Community Statement of Purpose to make a formal complaint. (Verbal complaints will be taken just as seriously.) Please state the nature of the complaint, the steps taken to resolve it and the action you would like to see taken to remedy your concerns. The Directors / Advisory Board will review the way in which the complaint has been handled by the organisation and ensure that the issues have been dealt with properly and fairly. He / she will normally write to you and the other party with the outcome of this process within twenty (20) working days of receiving the complaint.

Stage 3 – Formal

- If you are not satisfied with the result, you may ask to refer your complaint to Stage 3 of the procedure. At this stage, The Amicus Complaints Panel will meet to consider the complaint and make a final decision about it. The panel will consist of at the least three representatives of which one will be a person who has no detailed prior knowledge of the complaint, or connection with the complainant and will be external to Amicus. The meeting will normally take place within twenty (20) working days of the completion of stage two.
- You will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend part of the meeting, accompanied by a friend / partner if wished, to put your case forward. The Responsible Individual / School Proprietor will be given the same opportunities. The panel will write to both parties with its finding and recommendations and conclusion within seven (7) working days of the meeting. Records of the complaint will be dealt with and kept confidential.
- The decision of the panel is final. If you are still not satisfied, you may wish to put your complaint to the Amicus Advisory Board (who provide governance to the Directors) and / or Ofsted and / or the Secretary of State for the Department of Education and / or the child's referring authority.

Timescales of Lodging Complaints

Any individual or group wishing to make a Formal Complaint to The Amicus Community, must make their representation, either verbally or in writing with three (3) months of their initial concern.

Any Complaints received after this period, will not be considered. This timeframe does not apply to complaints from children or ex-children who used to be at Amicus. There is no time limit with regards to children / ex-children wishing to make complaints.

Children Making Complaints

The children must be able to complain about any aspect of their care and be taken seriously when they do so. At the same time, by providing regular spaces for the children to think about and discuss any difficulties they may have, it is hoped that many issues can be resolved with staff before they need to get to the complaint stage. Without practices that facilitate open communication, children can feel that official complaints are the only way to get their views and feelings on problematic situations heard, and a complaints culture can develop. The task is to create a culture that attempts to avoid the perception that differences of opinion, or the inevitable difficulties in the adult/child relationship, are conflictual and persecutory and therefore only resolvable by complaint or even accusation.

The aim of Amicus is to create a culture that helps to facilitate the understanding in the children that difficulties are an inevitable part of all relationships and of the group living experience. This acceptance of difficulties and the capability to constructively and collaboratively think about them are vital aspects of all mature, creative and positive relationships and a central part of the therapeutic experience. It is essential that children know that there is an efficient and effective complaints procedure if they believe a difficulty cannot be resolved through the above processes, or when they feel they have a genuine reason to make an allegation against perceived bad or abusive practice. In these situations, an effective complaints procedure provides essential protection to the child and a sense of positive empowerment.

Any complaint will go initially to the Home Managers or Headteacher, who will decide how the complaint will be dealt with. They will decide on the seriousness of the complaint and will, where appropriate, attempt to resolve the problem with those directly involved as soon as possible after the actual incident.

In more serious cases the Home Manager or Head Teacher will inform the Directors and parents / carers (if appropriate) and any relevant external bodies (e.g. Child Protection, LADO, Police, Placing Authority) and follow their guidance. If the complaint involves the Home Manager or Headteacher, this process will be carried out by the Responsible Individual / School Proprietor.

The complaints procedure is clearly laid out in the Amicus Children's Guide. This will include contact details for Ofsted. The telephone numbers for the Children's Commissioner, ChildLine and Voice of the Child are also listed. All children are provided with a copy of the Children's Guide on admission and given time with an adult to have it clearly explained to them. It is vital that they are aware that there are no restrictions on what a legitimate complaint will be and that there will not be any reprisals from staff members.

An important aspect of the protection of the children's right to complain is the ready access to their placing authority's complaint procedures as well as access to other people and agencies that can make a complaint on their behalf.

All complaints will be recorded in the complaints log and also separately in the child's file. Included in both will be details of the event, name of the complainant, the complaint details, the person reported to, the person who made the investigation and details of the outcome. Where needed, the children will be encouraged and helped to inform their social worker, parents and/or independent advocates. Where a staff member is the subject of the complaint it is essential the issues involved are thoroughly discussed in their supervision.

Any complaints must be acknowledged within seven (7) days and successfully addressed and resolved within twenty eight (28) days. The same process will be followed when someone external to Amicus makes a complaint. If the complainant is a child, their link worker / social worker will keep them informed of the progress. When the investigation into the complaint is completed, the Home Manager will explain the outcome to the child with the social worker / link worker present.

All recording of complaints will be read and signed by Amicus' external Independent Regulation 44 Visitor in the monthly Regulation 44 visits and will be monitored each month also by the Home Managers as part of their monthly checks and for the six monthly Regulation 45 reports. The Regulation 44 Visitor may discuss them with the children during the visits. All Regulation 44 visits will be carried out by a practitioner external to the Amicus organisation. Copies of the monthly Regulation 44 reports will be sent by the Regulation 44 visitor to Ofsted. A copy will also be sent to the Responsible Individual who will distribute then to the host local authorities and any other requesting local authorities. The report will also be forwarded to the Home Managers for them to read and distribute to their staff team and to implement any action point to continue to develop and improve the quality of care.

Confidentiality

All complaints are treated with confidentiality in mind. All correspondence, statements and records of the complaint will be kept confidential. Only persons dealing with complaints will be aware that a complaint has been received and is being dealt with. Details of the complaint will be shown to Ofsted / HMI when they inspect. Copies will also be made available to the Secretary of State for the Department of Education on request.

Anonymous requests will be acted upon, however it is better to provide contact details so that the complainant can be informed of the outcome.

Monitoring and Review

The Amicus Senior Management Team monitors and reviews the complaints procedure, in order to ensure that all complaints are handled properly. The Responsible Individual logs all formal complaints received by the organisation and records how they were resolved. The Amicus Directors examine this log on an annual basis and consider the need for any changes to the procedure.

Availability

A copy of this procedure is available to all Local Authorities, Inspectorates and parents or carers on request.

Linked Policies:

- Vexatious Complaints & Harassment Policy

Revised: September 2022

Next Revision by: September 2023

APPENDIX

- Review of policy
- Complaints and representations for exam candidates

APPENDIX I.

Review of Policy

Date Policy Reviewed

Date Updated	Changes	By	Version
February 2018	Review of policy	Rebecca Newton	1.0
May 2018	Updating of policy ahead of exam centre registration – addition of appendix; tracked changes now in place	Tom Milson	1.1
February 2020	Review of Policy – changing of DSL and adding reference to vexatious complaints policy	Nicky Young	1.2
November 2021	Review of policy	Rebecca Newton	1.3
May 2022	Updated details about Safeguarding Team membership. Changed title of whom the initial complaint would go to and then who it would move up to. Added LADO as an agency that maybe contacted when required. Formatting and font changed	Rebecca Newton	1.4
September 2022	Details made clear on children complaints and no timescales for this – for children to make complaint Details of when complain ts may	Rebecca Newton	1.5

	be shared by Ofsted		
November 2022	Update details about the Safeguarding Team Membership	Rebecca Newton	1.6

APPENDIX II.

Complaints & Representations for Exam Candidates

Complaints

If a student, parent or carer wishes to make a complaint about any aspect of the examinations system at The Amicus School they should follow the Complaints and Representations Procedure. The first point of contact should be the Examinations Officer, unless the complaint concerns the Examinations Officer, in which case they should contact the Headteacher.

Appeals Against Internal Assessment of Work for External Qualifications

The Amicus School is committed to ensuring that whenever its staff assess students' work for external qualifications this is done fairly, consistently and in accordance with the specification for the qualification concerned. Assessments should be conducted by staff who have appropriate knowledge, understanding and skills, and who have been trained in this activity. Students' work should be produced and authenticated according to the requirements of the examination board. Consistency should be assured by internal moderation and standardisation.

If a student feels that any of the above may not have happened in relation to his / her work, he / she may make use of this appeals procedure.

NOTE that appeals may only be made against the process that led to the assessment and not against the mark or grade.

Making an Appeal

1. Any student, parent or carer who wishes to make an appeal against the procedures used in internal assessment should, in the first instance, contact the Examinations Officer.
2. Appeals will be considered by three people, at least one of whom has not been involved in the internal assessment decision. This will be known as the Appeals Panel. The appeal panel will consist of the Examinations Officer, Headteacher and Teacher, or their delegated representative if the appeal is against an assessment made by the Teacher.
3. The Examinations Officer will convene an Appeals Panel within ten (10) days of receiving a Notice of Appeal, which will hear the case as presented by the student.
4. No appeal will be considered if received later than two weeks before the date of the last external exam in the subject.
5. All appeals will be considered and resolved by the date of the last externally assessed paper of the series.
6. The student has the right to bring a parent, carer or friend to act as support in presenting their case to the Appeals Panel.
7. A written record of all appeals will be kept by the Examinations Officer and will include the outcome of the appeal and reasons for that outcome.
8. A copy of the outcome of the appeal will be sent to the candidate.

The Appeal Panel Will:

- Review the procedures used by the centre to award marks for internal assessments. Consider whether these procedures conformed to the published requirements of the awarding body and the code of practice.

- As a result of their considerations either confirm the original mark or refer the matter back to the teacher for reassessment.
- The Examinations Officer will inform the awarding body of any outcome from an appeal that has implications for the conduct of the examination or the issue or results at the centre.

An awarding body, on request, will be supplied with full details of any appeal.

All Students Should be Able to Gain Access to:

- The marks awarded to them by the centre for an internal assessment;
- All comments recorded by the centre relating to their internally assessed work;
- Any correspondence between the centre and the awarding body relating to their internally assessed work;
- Information, if available at the time of the appeal, as to whether their work was sampled by the awarding body;
- The moderated mark given to the work by the awarding body, if known;
- Relevant awarding body procedures for the conduct of internal assessment.

Appeals Against Externally Awarded Examination Marks

1. Enquiries about results may be requested by centre staff or candidates if there are reasonable grounds for believing there has been an error in marking.
2. In all other circumstances a candidate and their parent or carer may apply to have an enquiry carried out at their own expense. The school will not meet the cost of re-mark requests.
3. After the release of results, candidates may ask school staff to request the return of papers within three days' scrutiny of the results, or from the date of return of scripts by examination boards.

4. Centre staff may also request scripts for investigation or for teaching purposes. For the latter, the consent of candidates must be obtained.
5. GCSE re-marks cannot be applied for once a script has been returned.

Signed by Director:
Date: November 2022

A handwritten signature in black ink, appearing to read 'Rebecca Newton', with a long horizontal line extending to the right.

Rebecca Newton