

Policy Name: Complaints Procedure and Statement	
Last updated:	January 2020
Date of next review:	January 2023
Member of staff responsible for the policy:	Carmel Herrick
Dissemination of the policy:	Management Committee, staff, website

Gloucestershire Education Service is a PRU (Pupil Referral Unit) but also part of Gloucestershire County Council. Given this, the Gloucestershire County Council Customer Complaints Policy forms the main part of this complaints statement and policy.

AIMS AND OBJECTIVES OF THE POLICY

This Complaints Policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the Service.

THE KEY PRINCIPLES OF THE POLICY

All staff, management committee members, parents and carers at GHES are made aware of this Complaints Policy.

Key principles of the policy are:

- Accessibility – user-friendly format, free from jargon, assuming no specialist knowledge
- Good communication – clarification of the process involved in dealing with complaints
- Clear timescales that are adhered to
- Clarity over roles and responsibilities of those involved in the process
- Appropriate confidentiality which must be maintained by all involved in the process

PROCEDURES IN THIS POLICY SHOULD NOT BE USED FOR ISSUES RELATED TO:

- child protection (please read **GHES child protection policy and procedures**)
- criminal investigations and
- employee grievances

These must be handled separately from this policy. **(See Appendix 1)**

This Complaints Policy is distinct from formal Staff Disciplinary Proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

If another policy is more appropriate than this Complaints Policy for any given situation then it should be used in preference to it.

WHO IS ALLOWED TO COMPLAIN?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main, this will mean the parents and carers of the school's pupils but there may be other parties who may choose to complain (e.g. community members).

PROCEEDING WITH A COMPLAINT

Procedures for carrying out a complaint will be held in GHES Admin Office, paperwork will be found in the Complaint File and on the GHES page of the GCC website.

EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

Equal respect will be granted to each person involved within the process and differences between people will be respected and understood.

PUBLICITY AND COMMUNICATION

This policy will be included on the GHES page of the GCC website and may also be included or referenced, as appropriate, within the following:

- the information given to new parents when their children join GHES;
- the information given to pupils at GHES;
- bulletins or newsletters;
- on the GCC website (GHES page)

All staff and members of the Management Committee should be made aware of the Complaints Procedure and the various stages involved.

CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated with discretion.

Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

Gloucestershire County Council Customer Complaints Policy

This Gloucestershire County Council Complaints Policy has been adopted in full by Gloucestershire Hospital Education Service (GHES) management committee as GHES is part of the County Council as well as a registered PRU (pupil referral unit). Additional local information has been added in blue.

Our key aims are to:

Act quickly and efficiently to put things right if something goes wrong.

Learn from customer complaints in order to improve our services and focus on the needs of our customers.

1. Our Complaints Policy

We will try to resolve things that go wrong as soon as possible, and to give customers an outcome that they are satisfied with. We aim to achieve this wherever possible without the need for a formal complaint. As a first step, the customer should talk to a member of staff at the point of service delivery to try to reach an agreement informally.

Where we are unable to resolve problems informally, we will make it easy for the customer to make their complaint. We will treat complaints positively and consistently, and aim to leave customers feeling satisfied that their complaint has been properly investigated. We will keep customers informed about who is dealing with their complaint and how.

When we decide that the matter raised by the customer is not a complaint as we define it, or that it is outside the scope of this policy, we will advise the customer on the best way to take the matter forward.

2. Scope of this policy

What is a complaint?

A complaint is when a customer of a council service is unhappy with the way they have been treated, and believes that the Council (including a contractor or other body providing services on behalf of the Council) has done something wrong. They expect the Council to look into the matter and respond to them. The customer may just feel dissatisfied, or they may also feel that they have suffered delay, inconvenience, loss or expense.

A complaint may be about :

- the standard of a service or information provided,
- the timeliness of a service (delay, or not provided),
- the way a decision has been made,
- the way a person has been treated, for instance if they feel they have been treated unfairly or discourteously.

What is not a complaint?

Anything deemed not to be a complaint will be dealt with in the most appropriate manner other than through the Complaints Procedure.

These would include:

- First request for service or information, because we should be given the chance to respond to the request.
- A difference of opinion, including policy disagreements. People may sometimes disagree with a council policy, or with a decision we have made, but unless this has been done wrongly then it is not a customer complaint.
- Difference of legal interpretation or matters subject to legal action, because these can only be resolved through the legal system.
- Matters where there are established review or appeal processes, because that is what they are there for.
- Matters relating to the internal management of schools and colleges, because these are the responsibility of the governing body and Head/Principal.
- Matters relating to the employment of council staff, because employees have other ways to raise these.
- Anonymous complaints. These will be referred to the Complaints Manager to decide whether to investigate or take other action.
- Insurance claims relating to alleged injury or damage. These will be referred to the Council's Insurance Manager.

Which complaints are outside the scope of this policy?

There are other ways that we must use for dealing with particular types of complaints, and again we aim to do so in line with our commitment to providing good customer service:

- Complaints about adults' and children's social care: These are covered by separate statutory requirements, further information can be found on our website at [Comment, compliment or complaint](#).
- Complaints about Freedom of Information, Data Protection, and Environmental Information Regulations Legislation: These are covered by our Information Compliance complaints procedure, which can be found on our website at [Information Compliance](#). In some cases, where a complaint relating to these pieces of legislation forms a small part of a wider complaint, the complaint will be dealt with in full, under the corporate or social care complaints process.
- Complaints by organisations with whom we have a commercial agreement to provide goods or services: These are covered under the relevant contract or service level agreement.
- Complaints about the conduct of County Councillors: These are covered by the Code of Conduct for Councillors, which can be found on our website at [Complaints about Councillors](#).
- Complaints about Directors: These should be sent to the Chief Executive for investigation.

3. How will we deal with a complaint?

When the Council has done something wrong we will apologise and try to put things right. We will also consider if and how we can improve things so that similar problems do not happen again. Putting things right will depend on the nature of what went wrong, and what effect this had on the customer, and may include:

- Providing the service to the correct standard.
- Reconsidering a decision that was not made in the proper way.
- Asking our contractor or partner to put the matter right.
- Where the customer has suffered loss or expense, we will consider reimbursing them.

Informal local resolution

We will try to resolve things that go wrong as soon as possible, and to give customers a satisfactory outcome. We aim to achieve this without the need for a formal complaint. As a first step, the customer should talk to a member of staff at the point of service delivery as soon as possible to try to reach an agreement informally. When a concern is reported to a member of staff, they will ask for a clear explanation of it in order to understand the issue and what the customer believes would be a successful resolution of it. If it is a simple non-serious concern we will try and resolve it immediately or at the earliest opportunity, apologising where necessary.

If we believe that the matter is not a complaint as we define it, or is covered by a different complaints policy (see above), we will say so and advise the customer how best to take it forward.

Stage 1: Formal complaint

If the complaint cannot be resolved quickly at the point of contact with the customer, it will be treated as a formal complaint. The member of staff receiving the complaint will ask the customer to provide all the relevant information about them and their complaint, so that we can deal with it quickly and efficiently. (please use complaint form Appendix 2 or you can phone in the complaint or come in to speak to a manager). This information will be recorded in line with our Data Protection Policy. The complaint will be passed to a team manager to be dealt with.

Within two working days of the Council (or GHES) receiving the complaint we will send an acknowledgement to the customer. This will give the name and contact details of the local manager dealing with the complaint, and the date by which the customer can expect a response. The team manager will look into the complaint, come to a decision on it and, where appropriate, consider what we can do to put things right.

We aim to resolve formal complaints and send a response to the customer within ten working days of receipt. If there is a good reason why this is not going to be possible we will inform the customer and agree a longer timescale. To make a formal complaint please use this link (or use the GHES complaint form in Appendix 2):

<https://gloucestershire.firmstep.com/default.aspx/RenderForm/?F.Name=jAdMWSNBvC9&HideToolbar=1>

Stage 2: Formal complaint

If the customer is not satisfied with the response they receive at Stage 1, they should contact the Head of Service for GHES as soon as possible and ask for the complaint to be looked at again. We aim to decide this within ten working days of receiving the request. Before we agree to do this, we will expect the customer to give clear reasons why this should be done – not just that they do not like the outcome.

Where we agree to refer a complaint to Stage 2, it will be reviewed and if necessary investigated by a senior manager who has not previously been involved in the complaint. Within two working days of our agreeing to review it, we will send an acknowledgement to the customer. This will give the name and contact details of the senior manager dealing with the complaint, and the date by which the customer can expect a response. The senior manager will review and investigate the complaint, come to a decision on it and, where appropriate, consider what we can do to put things right. The senior manager may identify an independent person to review and investigate the complaint on their behalf, if this is considered necessary.

We aim to resolve a complaint at Stage 2 within 25 working days of our agreeing to review it. If there is a good reason why this is not going to be possible we will contact the customer to inform them and agree a longer timescale.

If the complaint relates to the Head of Service, the written notice should be addressed to the Chair of the Management Committee who will respond in line with the above timetable.

Vexatious complaints

We will try to resolve things that go wrong as soon as possible, and to give customers an outcome that they are satisfied with. However, if a customer behaves in an unacceptable manner, or is unreasonably persistent, we may decide to restrict the ways that they can deal with us, or refuse to consider further complaints about the same matter. For example, if a customer makes multiple complaints about the same matter, or if their complaint has been considered and found to be unjustified but they are not prepared to accept this conclusion. In such circumstances, the Complaints Manager can decide that the complaints are vexatious and unduly time-consuming. We may then decide to restrict access, giving the customer a single named point of contact with the Council, or refuse to consider any further complaints about the same matter unless any significant new information is provided. We will inform the customer about this, explaining why the decision has been taken, what restrictions will be applied, and for how long.

Local Government Ombudsman

If we fail to satisfy someone who has made a complaint, after a stage 2 investigation, then we will advise the complainant of their right to take the matter to the Local Government Ombudsman. Local Government Ombudsman Advice Team can be contacted on 0300 061 0614. or at <http://www.lgo.org.uk/>

Further Appeal

If the complaint is still not resolved to the customer's satisfaction, they can refer to the Education Skills Funding Agency (ESFA).

Contacts

If you would like further information about any of these matters please contact:
Customer Services Team, Gloucestershire County Council, Shire Hall, Westgate Street,
Gloucester, GL1 2TG, Email: customerservices@gloucestershire.gov.uk

Gloucestershire Hospital Education Service: County Offices, St. George's Road, Cheltenham. Glos. GL50 3EW. Tel: 01242 532363 email: ghes@gloucestershire.gov.uk

APPENDIX 1

COMPLAINTS AGAINST STAFF If it appears that disciplinary action against a member of staff may be necessary, Conduct Procedures should be followed. The Head of Service should seek advice from GCC HR

Helpline by calling: Tel: 01452 425888 Email: HRadvice@gloucestershire.gov.uk

CONFIDENTIAL COMPLAINTS BY STAFF (“WHISTLE BLOWING”) The County Council’s Code of Conduct and Confidential Reporting Procedure (Whistle Blowing) allows GHES staff who are concerned about possible malpractice or corruption at work to raise such issues in confidence. Areas covered by the Code include: gifts, hospitality, and sponsorship; use of GHES facilities and equipment; membership of a secret society.

Advice about the use of this procedure should be obtained from the relevant policies. Please read GCC ‘**code of conduct and whistle blowing policy.**’

Complaints for which a Specific Procedure is laid down

Child Protection: Any complaint involving an allegation of child abuse should be referred to the LADO (Local Authority Designated Officer) Gloucestershire County Council Switchboard tel: 01452 425000. If you think a child or young person is at immediate risk of significant harm contact the Front Door tel: 01452 426565 and select Option1, or for advice select option 3, Children’s Practitioner Advice line. In an emergency always call: 999. Please see **GHES Child Protection Policy and Procedures** for further details.

APPENDIX 2

GHES Complaint Form

Please complete and return Karen Harris (GHES Office Manager) who will acknowledge receipt and explain what action will be taken and who the complaint will be passed to.

Your name:
Pupil's name:
Your relationship to the pupil:
Address:
Day time telephone number:
Evening telephone number:
Please give details of the complaint (please continue on to reverse of sheet if necessary):
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
<u>Official use</u>
Date acknowledgement sent:
By who: Complaint referred to:
Date: