

| I CAN POLICY MANUAL            |   |
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| <b>Policy Number:</b> 1.2      | <b>Policy Title:</b> Complaints Policy and Procedures |
| <b>Version Date</b> 11.08.2015 | <b>Originator:</b> Patrick Stewart                    |
| <b>Date approved:</b>          | <b>Reviewer:</b> Clive Robson                         |
| <b>Distribution List:</b>      |   |

A. Complaints Policy

- 1 I CAN is committed to providing high quality services to a wide range of stakeholders: children with speech, language and communication needs and their parents; our fellow professionals in the fields of education, social care and health; statutory authorities and voluntary bodies. We are also accountable for the funds and resources donated for our charitable work
- 2 I CAN considers that a clear and fair Complaints Policy is an essential part of our commitment to quality and accountability. Accordingly, we have published and made freely available this Complaints Policy and Procedure that explains how we will receive, hear, record, assess and respond to all formal complaints.
- 3 I CAN considers that it is best practice for Trustees and Staff, as part of everyday work, to listen respectfully and respond to the views and suggestions made by our stakeholders. Most issues and concerns within I CAN are addressed and resolved in this way. However, if dissatisfaction remains, a formal complaint may be lodged through the Complaints procedure.
- 4 I CAN also wishes to ensure that there are channels available for positive feedback about the services provided. This is good for morale and can assist I CAN in a number of ways.
- 5 I CAN is committed to treating all complaints received in a courteous and objective manner.
  - In particular, we will weigh all evidence and opinion carefully.
  - We will draw attention to other I CAN policies that may have a bearing on a complaint, for example our Child Protection Policy and our Confidential Reporting of Concerns policy and procedures.
  - We will co-operate with friends or spokespersons nominated by complainants.
  - We will endeavour to provide support where this is required as a result of a communication or other disability.
  - We will provide training and support for staff members who may be called upon to handle complaints, at the first or second stage, as required by our Complaints procedure.
  - And we will make it clear that, by using I CAN's procedures, complainants do not in any way limit their own statutory rights.
6. If a complaint is made about the conduct of a member of staff, a Trustee or a School Governor, I CAN will ensure that there is appropriate advice and support available to the person concerned. Staff members who have formal complaints to make will normally be expected to use the I CAN Grievance Procedure. Any person who wishes to disagree with an I CAN policy will normally be expected to write to the Chief Executive or the Director of Resources.

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7. In the case of I CAN's schools, local complaints policies and procedures may be developed within this organisation-wide policy in relation to all those aspects of school life that require, through regulation, complaints policies and procedures, e.g. curriculum, racial equality, special educational needs and Disability, Standards of Care
8. I CAN reserves the right not to hear complaints that are vexatious or repetitious.
9. If a complainant decides to initiate legal proceedings against the charity, their complaint cannot be investigated at the same time, as the two processes are mutually exclusive. Any correspondence on legal matters should be between the complainant, their solicitors and I CAN's Chief Executive. If a complainant initiates legal proceedings, the complaints procedure will be halted. Similarly, if a complainant chooses to pursue a complaint via the media, the complaints process will be halted.

#### B. Complaints Procedure

1. I CAN's customary practice is to resolve difficulties at the earliest possible stage in a constructive manner. Parents and other stakeholders are therefore encouraged to raise any concerns they have with the staff member(s) they normally have contact with in relation to the issue that is giving cause for concern. If, after these discussions, and after allowing time for any agreed remedial action, there is still dissatisfaction then the following formal procedure may be used to seek a resolution.
2. Any person wishing to make a formal complaint about any aspect of I CAN's services should write (letter, fax or email), stating that they are making a formal complaint, to the appropriate senior member of staff, for example aPrincipal , in one of I CAN's schools, or a Director. If the complaint relates to the Principal or the Director, then the matter should be raised with their line-manager. In the case of a complaint relating to the Chief Executive, it should be raised with the Chair of Trustees.

The senior member of staff is required to:

- ensure that receipt of the complaint is acknowledged in writing within a maximum of three working days and that the complainant has a copy of the I CAN Complaints policy and procedures documents
- where a complaint is made against an I CAN school or refers to a pupil placed at an I CAN school: inform the Chair of Governors of the complaint
- inform the Chief Executive (and appropriate Director if applicable) at the first available opportunity
- consult with colleagues if there is any doubt about the most appropriate course of action
- ensure that a member of staff, who has not been involved in the subject of the complaint, is appointed as Complaints Officer, to hear, record and assess the complaint according to the procedures set out below. (Note: the designated Complaints Officer for I CAN schools is the Director of Policy and Practice).

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3. The Complaints Officer will have lead responsibility, on behalf of I CAN to:
  - assess whether the complaint would be more appropriately addressed through another I CAN procedure such as the Child Protection Policy.
  - hear directly from the complainant by means of interview (as appropriate) and co-operate with any friend or spokesperson nominated by the complainant
  - make a formal record of the complaint
  - gather, record and assess all relevant evidence including the personal testimony of the complainant and of any witnesses named by the complainant
  - invite any person complained against to submit testimony, the names of any witnesses and/or any other evidence of their choice
  - seek the evidence of any other witnesses
  - call upon expert persons, when necessary and appropriate, inside or outside I CAN, to assess evidence and give an opinion
  - ensure that help is provided to any person with a communication disability who is involved in the complaints process
  - make an objective assessment of all direct testimony and evidence
  - ensure that all aspects of the process are handled confidentially by I CAN
  - reach a judgement as to whether the complaint (a) is wholly upheld (b) is partially upheld or (c) is not upheld
  - give reasons for the judgement and to make any related recommendation to the Chief Executive of I CAN.
  - work to a target date for the completion of the above stages of 28 working days from receipt of a formal complaint. However, there may be circumstances outside I CAN's control that require a longer period. In the event of an investigation requiring more than 28 working days, the complainant, any person complained against, and the Chief Executive will be kept informed of progress, with revised target dates.
  
4. The Complaints Officer will submit to the Chief Executive of I CAN an advance copy of the judgement in order to allow any necessary consultation with I CAN's Trustees and legal advisers.
  
5. The judgement of the Complaints Officer together with supporting reasons and any recommendations will then be given in writing to the complainant and to any person complained against. Where a complaint is made against an I CAN school or refers to a pupil placed at an I CAN school, the judgement, supporting reasons and recommendations will also be copied to the Chair of Governors of the school and to the LA placing the child at the school.
  
6. The complainant will be asked to say within 21 days whether or not they are satisfied with the judgement. If the complainant is satisfied then the matter will be concluded and the papers placed on a confidential file for a period of not less three years (or not less than seven years if an I CAN contractual obligation is involved). Papers concerning a child's welfare, development and progress will be retained for the period required by law and according to I CAN's current policy.

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7. If the complainant is satisfied, I CAN will at this stage consider all recommendations and agree on any actions required. If an apology is required on behalf of I CAN, it will be made by the Chief Executive.
8. If the complainant is not satisfied then s/he should be informed by the Complaints Officer that there is an entitlement to a Review. The complainant should be asked at this stage whether s/he wishes the judgement of the complaint to be reviewed. If the answer is negative, I CAN will consider the complaint process to be concluded. If the answer is positive, I CAN will appoint a Review Officer and inform the complainant, and any person complained against, that this second stage of the Complaints procedure has begun.
9. The role of the Review Officer on behalf of I CAN will be to:
  - consider carefully and objectively all of the papers and other material relating to a formal complaint
  - clarify any points on the record that seem uncertain
  - seek expert opinion, when necessary and appropriate, from inside or outside I CAN to assess evidence and give an opinion
  - give a reasoned opinion as to whether the judgement of the Complaints Officer should be (a) upheld, (b) varied in some significant way or (c) set aside.
  - Make recommendations, if necessary, to I CAN
10. The target date for the completion of a Review will be 14 working days from the appointment of a Review Officer. However, there may be circumstances outside I CAN's control that require a longer review period. In these circumstances the Review Officer will keep all parties informed of progress.
11. The Review Officer will provide the Chief Executive with an advance copy of the reasoned opinion in order to allow any necessary consultation with I CAN's Trustees and legal advisers.
12. The reasoned opinion of the Review Officer will be communicated to the complainant and to any person complained against. Where a complaint is made against an I CAN school or refers to a pupil placed at an I CAN school, the judgement, supporting reasons and recommendations will also be copied to the Chair of Governors of the school and to the LA placing the child at the school.
13. I CAN will consider all appropriate actions to be taken as a result of the complaint. If any apology is required on behalf of I CAN, it will be made by the Chief Executive. There is no appeal process after all agreed actions have been taken, I CAN will consider that the complaint process is finally concluded.
14. I CAN will provide on request contact information for relevant organisations to complainants who wish to consider their statutory rights. For example, Ofsted, Local Government Ombudsman, Children's Legal Centre, Legal Action Group and the Charity Commission.

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15. Parents also have a right to take their concern or complaint to the Ofsted and/or the Local Government Ombudsman (LGO) (contact details below).

From 2010, there have been some changes in the complaints procedure announced by the government. Previously the LGO could only take on complaints about administration (eg missing timescales set out in the Code of Practice) while complaints about provision went to the DCSF. Following the recommendations of the Lamb enquiry, complaints about both administration and provision will now go to the LGO. Categories of SEN complaints that can be investigated by the Local Government Ombudsman (LGO) are:

- A local authority failing in a statutory duty relating to children and young people with SEN
- A local authority acting unreasonably or proposing to act unreasonably in performance of its statutory duties relating to children and young people with SEN
- The failure of a local authority or school maintained by that authority to put in place the provision specified in a child's statement of SEN
- The failure of a local authority or school to implement an order issued by the First-tier Tribunal (Special Educational Needs and Disability)

There are no changes to the following:

- Complaints about local authority services for children which cannot be resolved by the local authority are for the LGO to consider
- Independent appeals and panels which consider admissions and permanent exclusions still come within the jurisdiction of the LGO
- Where there are prescribed rights of appeal to the First-tier Tribunal (Special Educational Needs and Disability) – the LGO would normally expect an individual to use their right of appeal rather than complain to them. So whilst the LGO will consider complaints of inadequate provision having been made, they would expect a dispute about the nature of the provision specified in a Statement to be heard by the First-tier Tribunal in accordance with its remit

The LGO website at [www.lgo.org.uk](http://www.lgo.org.uk) provides comprehensive information about the work of the Ombudsman. You can call the LGO Advice Team on 0300 061 0614 or 0845 602 1983. The Advice Team are available Monday to Friday from 8.30am to 5.00pm. You can also text 'call back' to 0762 480 4299. All complaints should be sent to the LGO Advice Team. You can make your complaint over the phone, or send it to:

### **The Local Government Ombudsman**

PO Box 4771  
 Coventry CV4 0EH  
 Fax: 024 7682 0001  
[advice@lgo.org.uk](mailto:advice@lgo.org.uk)

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Charity Commission  
 2nd Floor, 1 Drummond Gate  
 London  
 SW1V 2QQ  
<https://www.gov.uk/complain-about-charity>  
 Contact the police on 101

Coram Children's Legal Centre  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Legal Action Group  
 3<sup>rd</sup> Floor Universal House 88-94 Wentworth Street  
 London  
 E17SA  
 020 7833 2931  
[www.lag.org.uk](http://www.lag.org.uk)

Ofsted  
 Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD  
 0300 123 4666  
[www.ofsted.gov.uk/parents](http://www.ofsted.gov.uk/parents)

Care Quality Commission  
 CQC National Customer Service Centre  
 Citygate  
 Gallowgate  
 Newcastle upon Tyne  
 NE1 4PA  
 03000 616161  
<http://www.cqc.org.uk/>

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### C. Complaints Record

Complaint received from:

Date Received

Contact details of Complaints Officer

Summary of complaint

Date(s) of interview with complainant

Contact details of any friend/spokesperson present at interview

Contact details of witnesses

Action taken in relation to witnesses

Contact details of expert adviser

Opinion of expert adviser

Summary of any other relevant evidence

Judgement on the complaint

Reasons for judgement

Recommendations to I CAN

Date referred to Chief Executive

Date reported to Complainant and other parties

Response of Complainant

Action taken by I CAN

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Contact details of Review Officer

Date on which complaint passed for review

Summary of actions taken by Review Officer

Reasoned opinion on judgement provided by Complaints Officer

(a) upheld (b) varied (c) set aside

Date referred to Chief Executive

Date reported to Complainant and other parties

Action taken by I CAN

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### COMPLAINT REGISTRATION FORM

|   |                           |
|---|---------------------------|
| Name of Complainant:  |                           |
| Date:   |                           |
| How received to Director/line manager   | Verbal/written/email/fax  |
| Complaint resolved @ informal stage   | Yes/No                    |
| If No   |                           |
| <b>FORMAL COMPLAINT REQUIRED</b>  |                           |
| Appoint Complaints Officer  | Date:                     |
| Complaints Officer Acknowledges complaint (in 3 working days)   | Date:                     |
| Policies and procedures sent out  | Date:                     |
| Complaints Officer to: <ul style="list-style-type: none"> <li>• Hear, investigate, assess and record</li> <li>• Access external expertise if appropriate</li> <li>• Respond or holding letter within 28 days</li> </ul> | Deadline date:            |
| Complainant requests review (within 21 days of response)  | Deadline date for review: |
| Review requested/to be undertaken   | Yes/No                    |
| If No matter completed and logged as closed   |                           |
| If Yes – review undertaken within 14 days logged with DPP   | Deadline date:            |
| Complaints process completed  | Date:                     |
| Outcome:  |                           |