



SENSES Learning Hub

Complaints

Procedure Policy

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Dawn Oughtibridge (Director)

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John Fox (Director)

A handwritten signature in black ink, appearing to read "John Fox", written over a light blue horizontal line.



The vast majority of complaints and concerns can be resolved informally.

Parents must feel able to raise concerns and complaints with members of staff at SENSES Learning Hub without formality, either in person, by telephone or in writing.

At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making an education complaint. A parent may want a preliminary discussion about an issue to help decide whether they wish to take it further.

A concern or unresolved problem becomes a complaint only when the parent or carer asserts that SENSES Learning Hub has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made, it can be resolved or withdrawn at any stage.

Special Circumstances

Any complaint or other notice that suggests that a student has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Barnsley Social Services and/or the Social Services for the area in which the child lives. If a Social Services authority decides to investigate a situation this may postpone or supersede investigation by the Directors of SENSES Learning Hub.

Other Solutions to Complaints


Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a student. Detailed guidance on legal appeals is available from the student's local authority on each of these matters.

Dealing with concerns informally

The parent should be given an opportunity for discussion of their concern with the appropriate member of staff. An appointment may need to be made.

The parent should be able to bring a friend to any discussion.

The member of staff dealing with the concern should make sure that the parent is clear when action (if any) or monitoring of the situation has been agreed.



This stage should be completed speedily and concluded in writing with appropriate detail and copies sent to all parties.

Where no satisfactory solution has been found, the parent should be informed that they will need to consider whether to make a formal complaint in writing to the Directors. To assist in this process a complaint form should be provided. (example attached)

Stage 1 – Referral to the proprietors for investigation

The Directors should acknowledge the complaint in writing. In some cases, the Directors will have already been involved in looking at the matter; in others it will be their first involvement. If the proprietors are unsure whether the complaint launches any other procedure, they should seek advice from the local authority (see guidance note).

The proprietors will consider providing an opportunity to meet with the complainant to supplement any information previously provided.

If the complaint is against a member of staff the proprietors will talk to the staff member against whom the complaint has been made.

If necessary, the proprietors will interview witnesses and take statements from those involved.

The proprietors will keep reasonable written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the proprietors will produce a written response to the complainant. The proprietors may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action SENSES Learning Hub will take to resolve the complaint. The complainant will also be advised that if they are not satisfied with the response and wish to take the matter further, they can write to the local authority to which the student belongs.

Stage 1 should be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the proprietors should write to the parent giving a revised target date.

Complaints against the proprietors - If the complaint is wholly or mainly about the proprietors the host LA should consider the complaint in accordance with Stage 2 of the procedure described below. However, before stage 2 is instigated the host LA will invite the proprietors to respond to the complaint in writing within ten school days. The host LA will send a copy of the

proprietors' response to the complainant and the parent will be asked to indicate within five school days of receipt of the response whether they are satisfied with the response. If the parent is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

Stage 2 – Consideration by the Host LA

If the complainant decides to take the matter further, the host LA should write to the parent to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the proprietors.

Investigating the complaint – If the complaint has been investigated at Stage 1 the result of the investigation must be made available to the proprietors. However, where the complaint is against the proprietors and the complaint is referred to Stage 2, the host LA must decide, in consultation with the Chair of the Complaints Committee, whether and how the complaint should be investigated. Advice can be sought from the host LA and the time allowed to complete stage 2 must be borne in mind.

If the proprietors and/or the parents wish to call witnesses, the agreement of the Host LA should be obtained in advance of the meeting.


It is the responsibility of the Host LA to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

The aim of the meeting is to resolve the complaint and achieve reconciliation between the provision and the complainant. However, at the end of the meeting the Host LA will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

The meeting should allow for:

- The parent to explain their complaint and the proprietors to explain the reasons for their decision;
- The proprietors to question the complainant about the complaint and the complainant to question the proprietors;
- Panel members to have an opportunity to question both the complainant and the proprietors;
- Any party to have the right to bring witnesses (subject to the approval of the Host LA) and all parties having the right to question all the witnesses
- Final statement by the proprietors and parents.
- Relating to the meeting will be all written documentation circulated to all parties.



The Host LA should explain to the parent and the proprietors that the Host LA will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, proprietors and any witnesses will then leave.

The Host LA will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the Host LA can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the provision's system or procedures to ensure that problems of a similar nature do not happen again.

As in Section 1.10 above, SENSES Learning Hub will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

The Clerk/Chair will send a written statement outlining the decision with reasons to both the complainant and the proprietors.


The complainant should be advised that if they are dissatisfied with the response, they have the right to take the matter further by complaining to the Secretary of State for Education.

Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the Host LA should write to the parent giving a revised target date.

In exceptional circumstances the Host LA may decide after taking advice not to proceed to consider the complaint on the grounds that the complaint has already been dealt with or is malicious.

Stage 3 – Complaint to the Secretary of State

A stage 3 complaint must be submitted in writing to the Secretary of State for Education (either through the House of Commons or through the Department for Education). It is recommended that the complaint is in the form of a letter commencing with the following formulation:



“This letter is submitted as a formal complaint and request to you as Secretary of State for Education, to intervene using your powers under Section 496 and/or 497 of the Education Act 1996. Details of the complaint are set out below:”

The Secretary of State will conduct the investigations considered appropriate before setting out a response in writing.

If a complainant considers that the response of the Secretary of State is wrong in law or legally unreasonable, they may be able to challenge this by means of application to the High Court for Judicial Review. It is recommended that legal advice is sought prior to commencing such action.



Complaint Form (for Stage 1 complaints)

If you have tried unsuccessfully to resolve your complaint with SENSES Learning Hub and wish to take the matter further, please complete this form and send it to the proprietors.

If your complaint is against the proprietors you will need to send the form to the Local Authority. A copy of the first two pages of the SENSES Learning Hub complaints procedure is attached to this form.

Name: _____

Address: _____

Tel. no: (Home) _____

Tel. no: (Day) _____

Name of Child: _____

Date of birth of child: _____

What is your complaint about and what would you like the proprietors to do?



(continue on a separate sheet, if necessary)

When did you discuss your concern/complaint with the appropriate member of staff?

What was the result of the discussion?

(continue on a separate sheet, if necessary)



Signed: _____

Date: _____

Example of a letter that the LA may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the LA.

Dear

Complaint re:

Thank you for your letter dated setting out the reasons why you are not satisfied with the proprietors's response to your complaint about

I write to let you know that I will be arranging for a Committee of three individuals to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in Section 2.5 of the procedure, the Clerk/Chair of the Committee will let you know in writing how the Committee intends to consider your complaint.

(or in the case of complaints against the proprietors)

I have received your complaint against the proprietors of SENSES Learning Hub.

I write to let you know that I have forwarded a copy of your complaint to the proprietors with a request that they respond within ten school days, to the issues raised in the complaint.

A copy of the proprietors's response will be sent to you as soon as possible. If you are not satisfied with the proprietors's response, I will arrange for a Committee of Governors to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in Section 2.4 of the procedure, the Clerk/Chair of the Committee will let you know in writing how the Committee intends to consider your complaint.

Yours sincerely

Chair of the Independent Panel

cc: The proprietors

enc: Complaints Procedure