

MY OASIS

Therapeutic Alternative Provision

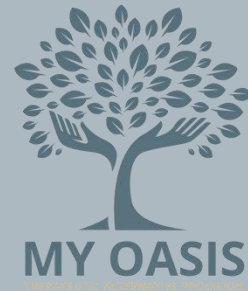
Compliments and Complaints Policy 2024/2025

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Date of Next review: June 2025



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Policy overview

In accordance with the Education Act 2002, My Oasis Therapeutic Alternative Provision (TAP) has adopted a Compliments and Complaints Policy and Procedure. The framework contained in this document has been designed to enable complaints to be dealt with through an open and transparent process. This is in addition to providing guidance on reporting of any compliments, ensuring we recognise the positive achievement of both students and staff.

The majority of issues raised by parents/guardians, members of the public, employers, or students, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the TAP's formal complaints procedure detailed below.

To enable us to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than 1 year it will not be investigated. We aim to resolve the complaint as fairly and speedily as possible, formal complaints will be dealt with in a sensitive, impartial, and confidential manner and malicious complaints may incur appropriate action by My Oasis.

It is usually proper to disregard anonymous complaints. However, the Head of the Provision and the Chair of Governors should exercise discretion where the gravity of an anonymous complaint warrants investigation.

This policy is revised where necessary based on the review of the complaints tracker. Any outcomes which require My Oasis to review additional policies and/or procedures will be completed swiftly with notification to all staff.

Complainants who remain dissatisfied following the operation of the TAP's complaint procedure may refer their concerns to the Secretary of State for Education and Skills.

(This is the policy and procedure for complaints. If the complaint/appeal relates to a suspension, the details of who to write to or appeal to will be documented on the suspension/permanent exclusion letter - Please refer to our Appeals Policy for more information.)

Process for General My Oasis-based complaints

The following details outline the stages that can be used to resolve complaints.

The Complaints Policy has four main stages:

Stage 1 – A concern is raised informally with a staff member.

Stage 2 – A complaint is raised informally with a staff member.

Stage 3 – A formal complaint is heard by the DSL and/or the Centre Manager who will seek advice from the Head of Centre and the Governors where appropriate. The Head of the Centre may opt to recruit an external agency to carry out an investigation or will do so themselves.

Stage 4 – A formal complaint is heard by the Head of Centre.

Stage 5 – A formal complaint is heard by the Board of Governors.

Every concern and/or complaint, regardless of the stage at which it is dealt with, is reported to the DSL and head or manager of the provision.

Senior Leadership team (SLT) at My Oasis and recorded on the complaint tracker. This allows themes and trends to be identified.

Stage 1 - Raising a concern.

Concerns can be raised with My Oasis at any time and will often generate an immediate response, usually by telephone or email, which will resolve the concern. We request that parents/guardians make their first contact with a member of staff at My Oasis or the Head of the Provision. If the complaint is in relation to the Head of Centre, we request that the Centre Manager or Governing Body be contacted instead.

On some occasions, the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. Most concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at stage 1, please write to or call the Centre Manager or Head of Provision, within 10 working days. We will then look at your concern at the next stage.

Any staff member who takes responsibility for dealing with a concern will ensure the Head of Provision is aware, even if resolution is achieved. All concerns and complaints will be accurately documented.

Complaints and the resulting actions from stage 2 onwards are recorded and monitored by the Head of the Provision.

Stage 2 – A Complaint is heard by a Staff Member

The member of staff receiving and logging the complaint will report it to the Centre Manager to follow up, or the Centre of the Provision will investigate if the parent/guardian has contacted them directly.

If the complainant is not satisfied, they can be advised to write a formal complaint, addressed to the Centre Manager at the provision's address. The complaint will be logged, including the date it was received. We will normally acknowledge receipt of the complaint within 2 working days of receiving it.

In many cases, this response will also report on the action that we have taken to resolve the issue.

Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 working days. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at stage 2, please write to or call the Head of Centre within 10 working days of getting our response. You will need to tell us why you are still not satisfied and what you would like us to do.

Stage 3 - A formal complaint is passed to the DSL and Centre Manager who will seek advice from the Head of Centre where appropriate.

The Head of the Provision and the Centre Manager may opt to recruit an external agency to carry out an investigation or they will do so themselves. Depending on the nature of the complaint, the Centre Manager will investigate or will instruct an external partner/source to complete a full, unbiased investigation if deemed more appropriate.

The person investigating the complaint must make sure that they:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.

- Interview those involved in the matter (the complainant may be accompanied by a friend, in the capacity of an observer, throughout any interviews).
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.
- Collect statements and evidence.

Following the investigation, the external agency or the Centre Manager will normally give a written response within 10 working days. If you are dissatisfied with the result at stage 3, you should let My Oasis know within 10 working days of getting the response.

Stage 4 – Formal complaint heard by the Head of the Centre.

If the matter has still not been resolved at Stage 3, then you should write to or request the complaint be passed to the Head of Centre giving details of the complaint. The Head of Centre will go over all evidence and investigation outcomes before providing a response and/or additional actions carried out to resolve the complaint. The further investigation will normally take place within 7 working days of the receipt of the written request for Stage 4 investigation.

Any letter addressed to the Head of My Oasis should be addressed to: My Oasis, Bentham House, 97 Heaton Street, Standish, Wigan, WN6 0DA.

Stage 5 – Formal complaint heard by the Chair Governor at My Oasis.

If the matter has still not been resolved at Stage 4, then you should write to or request the complaint be passed to the Chair of Governors at My Oasis, giving details of why you are not happy with previous outcomes. The Chair of Governors will convene a complaints panel hearing with at least one staff Governor and an external governor if it cannot be resolved by the Chair of Governors alone. The hearing will normally take place within 10 working days of the receipt of the written request for Stage 5 investigation.

The aim of the appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between My Oasis and the complainant. All parties will be notified of the panel's decision in writing within 3 working days after the date of the panel hearing. The letter will also contain what you need to do if you wish to take the matter further.

Panel Hearings:

Where it has been necessary to convene a panel hearing for a complaint, a person independent of the management and running of the My Oasis organisation will be appointed to the panel (usually drawn from the relevant referring agency of the complainant) to act as an independent advisor and mediator if required. The other members of the panel will be appointed by the Head of the Centre and consist of at least 1 member from the My Oasis Governing Board who has not been directly involved in the matters detailed in the complaint. The panel hearing allows for parents/guardians to be in attendance (if they wish) and to be accompanied by another person for supportive purposes only.

Findings & Recommendations:

The panel hearings are intended to make findings and recommendations that will be sent using electronic mail or given to the complainant in the form of a letter and where relevant, to the person(s) complained about.

Written Records:

A written record will be kept of all complaints made at all stages of the complaints process (from the preliminary stage to the panel hearing). Records and the complaints log will indicate whether complaints have been resolved at the preliminary stages or whether they proceeded to a panel hearing. All correspondence, statements and records relating to individual complaints will be kept confidentially secured on My Oasis premises, available for inspection by the Head of Centre or a body conducting an inspection (referring agencies, Local Authority) and governmental bodies (Secretary of State) who require access to them. Additional copies will be held electronically to ensure evidence is always available.

Please refer to our Data Protection Policy for more information.

In cases where the matter concerns the conduct of the Head of Provision, they will obviously be informed of the complaint, however, it will be the Centre Manager who will arrange for the matter to be investigated.

Potential Outcomes

The potential outcomes of an investigation may include that:

- The complaint is not upheld and there is no evidence to support it.

- The complaint is not upheld, however, a misunderstanding appears to have occurred, possibly because the person has not had access to the context of the matter or has not been provided with all the facts.

- The complaint is found to be malicious or vexatious.

- The complaint is upheld and requires an admission that the situation could have been handled differently or better.

- The complaint is upheld and requires an assurance that the event complained of will not recur.

The aim of this procedure is to maintain good relationships between My Oasis students and their parents/guardians.

- Where a complaint is not upheld, the complainant may be invited to meet the Head of the provision to receive the outcome of the investigation and the reasons why the complaint has no substance.
- Whether or not the complaint is upheld, the complainant may be invited to attend a meeting in order to improve relationships. This can only be achieved by mutual agreement.
- Where a complaint is upheld, it may be appropriate for the provision to provide an apology to the complainant, an explanation of the steps that have been taken to ensure that it will not happen again and an undertaking to the TAP'S school policies in light of the complaint.
- Where a complaint is not upheld and the complaint is found to be malicious or vexatious, My Oasis should consider actions available to it to resolve the matter.

A letter should be sent to the complainant to notify them of whether or not the complaint was upheld.

Process for complaints/concerns about staff

We want to reassure all parents and guardians that should a complaint be made against a member of staff, it will in no way be detrimental to their child.

Any form of complaint lodged about a member of staff must be passed to the Centre Manager or Head of Provision. The Centre Manager will work with the Head of the Provision to determine the best course of action to provide a satisfactory outcome for all.

Any complaint received regarding a member of staff in relation to safeguarding is to be passed for investigation to the head of the provision and the Centre Manager who will support the mainstream school Head Teacher and/or liaise with the Local Authority Designated Officer (LADO) where appropriate.

Depending on the outcome, they may follow the capability or disciplinary procedures once the complaint has been satisfied with the LADO.

Complaints may include but are not limited to:

- inappropriate discipline towards a student
- Inappropriate actions or attitudes toward a parent/guardian and/or students
- lack of effective action for example over bullying; racist behaviour; inappropriate restraint.

Professional Judgement

During the course of their duties, teachers are required to make professional assessments and judgements on the attainment levels of students and appropriate intervention strategies to support student learning.

The Head of the Provision shall respond to a parental complaint regarding the outcome of a teacher's professional judgment, as this complaint will be against the application of the TAP's procedure and not the individual's professional judgment.

Appropriate Restraint

For complaints relating to inappropriate physical contact, the Head of the Provision, or the Chair of Governors in the case of a complaint against the Head of the Provision, should initially refer to the Child Protection Procedures particularly where the alleged assault has been reported as a potential crime to the police.

Concerns of sexual abuse

All complaints relating to alleged sexual misconduct shall be dealt with under the Child Protection Procedures in the first instance. Educational provisions are reminded that under the Sexual Offences Act 2000, certain protocols have been highlighted with regard to what may or may not be considered an appropriate relationship between an employee in a position of trust, e.g. teacher, mentor and a student, irrespective of whether that student is above the age of sexual consent.

Further details regarding safeguarding complaints against staff are explained in our Safeguarding and Child Protection Policy.

Although My Oasis has a duty to keep complainants informed of how their complaint is progressing under the procedure, complainants are not entitled to know if any subsequent management counselling or a disciplinary sanction is given to the member of staff about whom they have complained. The subject of

complaints against staff is confidential. It is vitally important that the complainant and respondent understand this issue.

Further details of this process and the accompanying appeals process can be found in the capability, disciplinary and appeals policies.

In exceptional circumstances, where emotions are running high, it is possible that information is inappropriately placed within the public domain. If this were to occur, My Oasis will be required to put in place a strategy to defuse this situation and maintain the contractual obligation of confidentiality towards the member of staff.