



Complaints & Appeals Procedure

Oral Complaints

- All oral complaints, no matter how seemingly unimportant, should be taken seriously. There is nothing to be gained by staff adopting a defensive or aggressive attitude.
- Front line care staff who receives an oral complaint should seek to solve the problem immediately if possible.
- If staff cannot solve the problem immediately they should offer to get the manager to deal with the problem.
- All contact with the complainant should be polite, courteous and sympathetic.
- At all times staff should remain calm and respectful.
- Staff should not accept blame, make excuses or blame other staff.
- If the complaint is being made on behalf of the service user by an advocate it must first be verified that the person has permission to speak for the service user, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the service user when they may not. If in doubt it should be assumed that the service user's explicit permission is needed prior to discussing the complaint with the advocate.
- After talking the problem through, each manager or the member of staff dealing with the complaint should suggest a course of action to resolve the complaint. If this course of action is acceptable then the member of staff should clarify the agreement with the complainant and agree a way in which the results of the complaint will be communicated to the complainant (i.e. through another meeting or by letter).
- If the suggested plan of action is not acceptable to the complainant then the member of staff or manager should ask the complainant to put their complaint in writing to the establishment and give them a copy of the complaints procedure and form for completion.
- In both cases details of the complaints should be recorded on a complaints form and handed to the Manager.

Written Complaints

- When a complaint is received in writing it should be passed on to the named complaints manager who should record it in the complaints book and send an acknowledgment letter within two working days. The complaints manager will be the named person who deals with the complaint through the process.
- If necessary, further details should be obtained from the complainant. If the complaint is not made by the service user but on the service user's behalf, then consent of the service user, preferably in writing, must be obtained from the complainant.



- A leaflet detailing the procedure should be forwarded to the complainant. If the complaint raises potentially serious matters, advice should be sought from a legal advisor to the establishment. If legal action is taken at this stage any investigation by the establishment under the complaints procedure should cease immediately.
- If the complainant is not prepared to have the investigation conducted by the establishment he or she should be advised to contact the an appropriate support agency (whichever is relevant) and be given the contact details.
- Immediately on receipt of the complaint the establishment should launch an investigation and within 28 days should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned.
- If the issues are too complex to complete the investigation within 28 days, the complainant should be informed of any delays.
- If a meeting is arranged the complainant should be advised that they may, if they wish, bring a friend or relative or a representative such as an advocate.
- At the meeting a detailed explanation of the results of the investigation should be given and also an apology if it is deemed appropriate (apologising for what has happened need not be an admission of liability).
- Such a meeting gives the establishment the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.
- After the meeting, or if the complainant does not want a meeting, a written account of the investigation should be sent to the complainant. This should include details of how to approach any supporting agency if the complainant is not satisfied with the outcome.
- The outcomes of the investigation and the meeting should be recorded on appropriate documentation and any shortcomings in the establishment's procedures should be identified and acted upon.
- Each establishment should discuss complaints and their outcome at a formal business meeting and the establishment's complaints procedure should be audited by the manager every six months.



The Remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
 - b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
 - c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- each side is given the opportunity to state their case and ask questions; written material is seen by all parties.
 - If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.



Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The panel needs to take the following points into account:

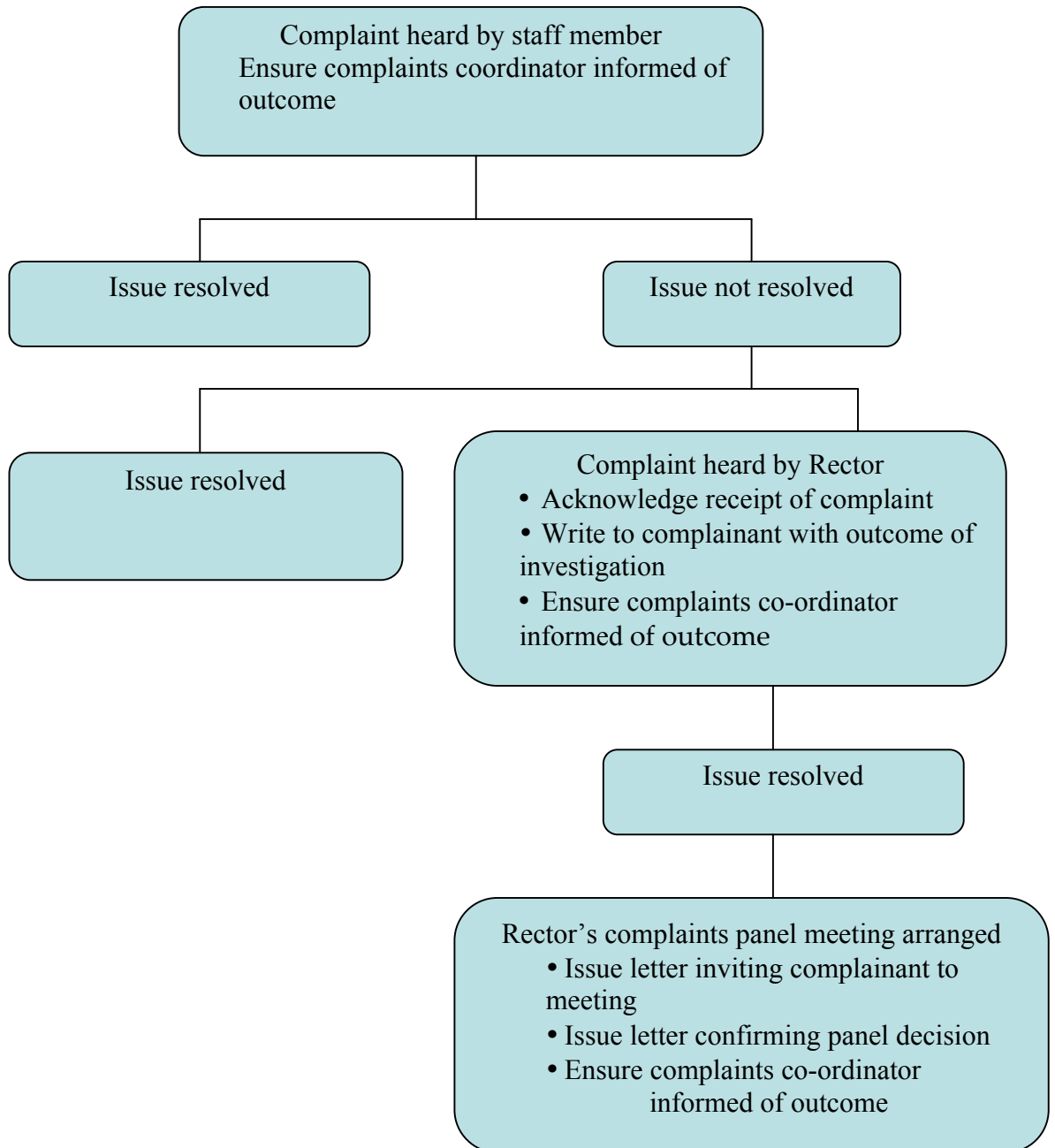
- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Rector or his/her representative may question both the complainant and the witnesses after each has spoken.
- The Rector or his/her representative is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Rector or his/her representative and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Rector or his/her representative is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.





Flowchart

TSMR Complaint Procedure



What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

