

## Complaint (External) Policy and Procedure

### This Policy Relates to the following Legislation

- The Children Act 1989
- The Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Protection of Children Act 1999
- The Human Rights Act 1998
- The Education (Independent School Standards) Regulations 2014. Part 3: para 6; para 7 (a) and (b); para 10; para 11; para 14; para 15; para 16 (a) and (b). Part 5: Para 25

### This Policy Relates to the following Regulations

- Children's Homes (England) Regulations 2015.
- The Education (Independent School Standards) Regulations 2014

### This Policy Relates to the following Guidance

- Every Child Matters 2004
- Statutory Guidance on making arrangements to safeguard and promote the welfare of children under section 11 of The Children Act 2004
- The OfSTED publication "Safeguarding children, young people and adults policy 2015"
- The HMSO publication "Working Together to Safeguard Children 2017"
- The DfE publication, "Guide to Children's Home Standards Including Quality Standards April 2015
- Pan Sussex Child Protection and Safeguarding Procedures
- Reference to the Brighton and Hove statutory Local Safeguarding Children Boards (L.S.C.B. also known as M.A.S.H. – Multi-Agency Safeguarding Hub).
- The UN Convention on the Rights of the Child 1989

### This Policy Applies To:

- a) All those directly employed by The Lioncare Group and who are in positions and roles that require them to interact with or work alongside or around or in proximity to the children in our care.
- b) All those indirectly employed by The Lioncare Group by virtue of being sub-contracted or commissioned and paid by The Lioncare Group to carry out work on behalf of The Lioncare Group and where such work causes them to interact with or work alongside or around or in proximity to the children in our care.
- c) All those working in partnership with The Lioncare Group in the form of voluntary work or student placements and where such work or activity involves interacting with or work alongside or around or in proximity to the children in our care.

### Responsibilities Associated with this Policy:

All employees, whether they are 'front-line' engaged directly in the task of caring for, educating, and supporting the children in our care, or 'ancillary' (e.g. House Keeper, Maintenance Worker, Administrator etc.), are personally responsible for managing their own conduct in relation to following this policy.

All employees whether they are 'front-line' or 'ancillary' are also responsible for supporting their colleagues and co-workers to follow this policy.

Members of the Management Team (Senior Therapeutic Carers, Senior Learning Support Assistant, Deputy Managers, Assistant Head Teacher, Registered Managers, and Head Teacher) are responsible for ensuring all those employed directly or indirectly or on a voluntary basis or as a student placement are made aware of this policy and guidance, and for monitoring their safe and proper conduct whilst interacting with or work alongside

or around or in proximity to the children in our care and for taking such action as necessary to prevent children being at risk of harm because of an adult's failure to follow this policy and guidance.

The Executive Team (Service Manager and Executive Director) are responsible for reviewing this policy and at least annually and more frequently if and when it is considered necessary to do so, and for ensuring this policy remains fit-for-purpose.

### **Monitoring and Review of this Policy:**

The implementation of this policy and its corresponding guidance will be monitored continuously, and the policy itself will be reviewed at least annually in August of each year by the Executive Team and in consultation with relevant others including where possible and feasible those involved in caring for, educating, and supporting the children in our care, and consultation with the children themselves.

### **Relevant Contact Details in Respect to This Policy:**

For a complaint about Springfields Therapeutic Children's Home, in the first instance contact the Registered Manager on 01273 732566 or [sarah@lioncare.co.uk](mailto:sarah@lioncare.co.uk).

For a complaint about Westfields Therapeutic Children's Home, in the first instance contact the Registered Manager on 01273 711591 or [jane@lioncare.co.uk](mailto:jane@lioncare.co.uk).

For a complaint about Hillfields Therapeutic Children's Home, in the first instance contact the Registered Manager on 01273 789974 or [sarah.mitchell@lioncare.co.uk](mailto:sarah.mitchell@lioncare.co.uk).

For a complaint about The Lioncare School, in the first instance contact the Head Teacher on 01273 734164 or [sara.fletcher@lioncare.co.uk](mailto:sara.fletcher@lioncare.co.uk).

If the complaint is about a Registered Manager or the Head Teacher, contact the Executive Director on 01273 720424 or [matt@lioncare.co.uk](mailto:matt@lioncare.co.uk).

If the complaint is about the Executive Director, contact the Founding Director / Owner on 0203 2255500 or [beverley.collins@lioncare.co.uk](mailto:beverley.collins@lioncare.co.uk).

### **Policy Statement**

The Lioncare Group always endeavours to be fair, open and honest when dealing with any complaint. Careful consideration is given to all complaints. These are dealt with as swiftly as possible. Attempts are made to resolve any complaint through dialogue and mutual understanding and, in all cases, putting the interests of the child or young person above all other issues. Sufficient opportunity is provided for any complaint to be fully discussed, and then resolved.

A complaint made by someone external to the organisation is handled by the Registered Manager (if the complaint is about the Home) or the Head Teacher (if the complaint is about the School) and over-seen by the Service Manager. The complaint will be fully responded to (acknowledging the nature of the complaint, the outcomes, and any actions taken) within a reasonable time of it being received and no later than 28 days later unless the situation requires further investigation in which case all relevant agencies will be consulted and notified of the reasons for this. All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 163 of the 2002 Act requests access to them.

### **Stage 1 Procedure**

If a carer / parent / social worker (i.e. person with parental responsibility) is unhappy with the care or education their child is receiving, or a member of the public has concern relating to the Home or The Lioncare School, they are encouraged in the first instance to talk to the Registered Manager or Head Teacher, or in their absence the Deputy Manager or Assistant Head Teacher immediately or as soon as is possible, with the aim of resolving the matter informally.

Most matters of concern can be dealt with in this way. All employees of The Lioncare Group work very hard to ensure that each child is happy and making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's experience of care and/or education and progress being made.

If the complainant is happy with the way their concern or complaint has been addressed, and agree with the decisions reached, they are asked to confirm this in writing (email is acceptable) to the Registered Manager / Head Teacher, and the complaint procedure stops at this point.

### **Stage 2 Procedure**

Where the person with concerns feels that a situation has not been resolved through talking with the Registered Manager or Head Teacher, or that their concern is of a sufficiently serious nature, they should make an appointment with the Registered Manager or Head Teacher to discuss the matter further. The Registered Manager or Head Teacher will consider any such complaint very seriously and investigate each case thoroughly. Most complaints are informally resolved at this stage.

Should the complaint be directed at the Registered Manager or Head Teacher, the person with concerns should contact the Executive Director on 01273 720424 or [matt@lioncare.co.uk](mailto:matt@lioncare.co.uk) (based at Lioncare House) who will ensure all steps are taken to resolve the issue informally and to the satisfaction of person with concerns through promoting dialogue and discussion between all parties.

Should the complaint be directed at the Executive Director, the person with concerns should contact the Founding Director / Owner on 0203 2255500 or [beverley.collins@lioncare.co.uk](mailto:beverley.collins@lioncare.co.uk) who will ensure all steps are taken to resolve the issue informally and to the satisfaction of person with concerns through promoting dialogue and discussion between all parties.

If the complainant is happy with the way their concern or complaint has been addressed, and agree with the decisions reached, they are asked to confirm this in writing (email is acceptable) to the Registered Manager or Head Teacher or Executive Director or Founding Director / Owner as appropriate, and the complaint procedure stops at this point.

### **Stage 3 Procedure**

If after all informal routes have been exhausted, the person with concerns remains unhappy with the outcome, they can make a formal complaint to the Executive Director (if the complaint is not about the Executive Director) based at Lioncare House (01273 720424 or [matt@lioncare.co.uk](mailto:matt@lioncare.co.uk)). Only if an informal complaint fails to resolve the matter should a formal complaint be made to the Executive Director. This complaint must be made in writing (email is acceptable) and dated, stating the nature of the complaint and how it has been handled so far and include as much detail as possible, and sent for the attention of the Executive Director.

The executive Director must consider and acknowledge all written complaints within 21 days of receipt.

The Executive Director arranges a meeting to discuss the complaint, and invites the person (who may be accompanied by another if they wish) to attend the meeting so that person can explain their complaint in more detail. The complainant will be given at least three days' notice of the meeting.

The meeting will be chaired by the Executive Director along with the Service Manager of the organisation unless the Service Manager is directly involved in the matters detailed in the complaint.

After hearing all the evidence and conferring with the Service Manager, the Executive Director makes a decision and informs the complainant of the outcome in writing. The Executive Director does all they can at this stage to resolve the complaint to the satisfaction of the person making the complaint, and all parties involved receive notification of the outcome.

If the complainant is happy with the way their concern or complaint has been addressed, and agree with the decisions reached, they are asked to confirm this in writing (email is acceptable) to the Executive Director, and the complaint procedure stops at this point.

### **Appeals Procedure**

If the complainant has followed Stage 1, 2, and 3 of this complaints procedure yet remains dissatisfied with the outcome or the manner in which it has been addressed, or feels the matter has not been resolved, they have the

right to appeal.

They should, within 5 working days of the stage 3 decision being communicated to them by The Lioncare Group, address their written and dated appeal to the Company Owner:

Beverley Collins  
Forest House  
186 Forest Road  
Loughton  
Essex IG10 IEG  
T: 0203 2255500  
E: [info@lioncare.co.uk](mailto:info@lioncare.co.uk)

The complainant must include all details and evidence to support the grounds for their appeal. On receipt of the appeal letter, the Company Owner shall make arrangements for an external consultant to hear the appeal at an appeal meeting to which the complainant is invited. The complainant may again, if they wish, be accompanied by another for support.

The complainant is advised to make every effort to attend the appeal meeting.

Following the meeting, the Company Owner will endeavour to respond to the appeal as soon as possible and, in any case, within five working days of the appeal hearing. If it is not possible to respond within this time period, the person bringing the appeal will be given an explanation for the delay and be told when a response can be expected. They will be informed in writing of the Organisation's decision on the appeal.

This is the final stage of the organisation-led procedure and the Organisation's decision shall be final. However, all parties external to the organisation are reminded of their right, as a last resort, to appeal (in regards to a complaint about the school) to the Secretary of State for Education<sup>1</sup> or (in regards to a complaint about the Home) The Local Government Ombudsman<sup>2</sup>, if having exhausted all other local means to address their concerns they still feel their complaint has not been properly addressed.

A complaint can be made to OfSTED<sup>3</sup> at any time.

All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or an authorised Body conducting an inspection requests access to them.

## **Monitoring and Review**

The Registered Manager or Head Teacher is responsible in the first instance for recording all complaints received by the Home or School directly and stating how they were resolved.

The Executive Director is ultimately responsible for ensuring all complaints received by the Home or School and/or organisation are addressed appropriately and effectively and within the stated time-frames, and maintaining a record showing the outcome.

The Executive Director is supported in carrying out their duty by the Registered Managers and Head Teacher who monitor all complaints received during the course of their regular Quality of Care monitoring and reporting duties, and provides additional oversight regarding the manner in which complaints are handled, addressed, and resolved. The organisation's Quality Improvement Consultant and the Independent Visitor to the Homes, and the School Partnership Advisory Consultant for the school all carry out a role in the monitoring of complaints.

The Executive Director, supported by the registered Managers and Head Teacher, undertakes an audit of complaints, policy, and procedure on an annual basis, and takes into account any local or national decisions that affect the complaints process, and makes any modifications necessary to this policy. This policy is made available on request to all interested parties to ensure they remain properly informed on the complaints process and procedure. It is also accessible through our website [www.lioncare.co.uk](http://www.lioncare.co.uk).

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<sup>1</sup> <https://www.gov.uk/government/organisations/department-for-education>

<sup>2</sup> [http://www.lgo.org.uk/forms/ShowForm.asp?fm\\_fid=62](http://www.lgo.org.uk/forms/ShowForm.asp?fm_fid=62)

<sup>3</sup> <https://contact.ofsted.gov.uk/online-complaints>