

# Aurora

## Complaints Policy

<b>Policy Reference:</b>	<i>AQ1 - Foxes</i>
<b>Version Number:</b>	<i>6</i>
<b>Applies to:</b>	<i>All services</i>
<b>Associated documents:</b>	<i>AE12. Child protection Policy AH13. Adult Safeguarding Policy Admissions Policy AE11. Exclusions Policy AHR2. Grievance Policy AHR1. Disciplinary Policy</i>
<b>Approved by:</b>	<i>Quality Assurance Director</i>
<b>Implementation date:</b>	<i>August 2020</i>
<b>Next review due by:</b>	<i>August 2022</i>

## 1. Contacts

Foxes Academy contacts:

Role	Name	Contact Details
<b>Site Lead</b> <i>If you have a complaint about the site, service or a member of staff who you do not want to approach directly</i>	Emma Cobley (Principal)	<a href="mailto:Emma.Cobley@the-aurora-group.com">Emma.Cobley@the-aurora-group.com</a> 01643 708529
<b>Operations Director</b> <i>If you have a complaint about the Site Lead or service and do not want to approach them directly</i>	Kim Welsh	<a href="mailto:Kim.Welsh@the-aurora-group.com">Kim.Welsh@the-aurora-group.com</a>
<b>Head Office/Central Team</b> <b>Function Leads:</b> Business Development Director Chief Finance Officer Estates Director People Team Director (HR) Quality Assurance Director <i>If you have a complaint about a Aurora central team member and do not want to approach them directly</i>	Kat Carter David Phipps Nick West Jane Jarvis Lesley Dalglish	The Aurora Group, Unit 13, Twigworth Court Business Centre, Tewkesbury Road, Gloucester GL2 9PG Email: <a href="mailto:info@the-aurora-group.com">info@the-aurora-group.com</a> Telephone: 020 3617 0170
<b>People Director</b> <i>If you have a complaint about the Operations director or a central function lead and do not want to approach them directly</i>	Jane Jarvis	People Director, The Aurora Group, Unit 13, Twigworth Court Business Centre, Tewkesbury Road, Gloucester GL2 9PG Email: <a href="mailto:info@the-aurora-group.com">info@the-aurora-group.com</a> Telephone: 020 3617 0170
<b>General enquiries</b> <i>If you are unsure who to contact or need any assistance with this policy</i>		Email: <a href="mailto:info@the-aurora-group.com">info@the-aurora-group.com</a> Telephone: 020 3617 0170 Post: The Aurora Group, Unit 13, Twigworth Court Business Centre, Tewkesbury Road, Gloucester GL2 9PG

## 2. Introduction

### 2.1 Purpose

The Aurora Group aims to meet its statutory obligations when responding to complaints from a child, young person, relative, visitor, funder, clinician, local authority, regulatory body or any other interested party or stakeholder acting with the authority of a service user.

When responding to complaints, we aim to:

- › Be impartial and non-adversarial
- › Facilitate a full and fair investigation by an independent person or panel, where necessary
- › Address all the points at issue and provide an effective and prompt response
- › Treat complainants with respect
- › Keep complainants informed of the progress of the complaints process
- › Consider how the complaint can feed into site or group improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The group will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on our website, and on the websites of our services.

### 2.2 Legal Framework

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our group.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

It meets the requirements of the [Children's Homes \(England\) Regulations 2015](#) and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: [Regulation 16](#)

## 3. Scope

This policy applies to all complaints received by any site or function within the Aurora Group and establishes a clear procedure for effective and efficient complaint management.

The group will resolve concerns through day-to-day communication as far as possible.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action by Aurora or its employees”.

The group intends to resolve concerns and complaints informally where possible, at the earliest possible stage.

Complaints may relate to any aspect of education, care, professional competencies or to any of the administrative or support services and may be made by telephone, in person, in writing or by email to any member of the Aurora Group personnel.

Any person, including members of the public, may make a complaint to the Aurora Group about any provision of facilities or services that we provide. Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

This policy does not cover complaints procedures relating to:

- › Admissions

- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion (from Education provision)
- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

## 4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

## 5. Time Scales

Please note working days within this policy excludes weekends, bank holidays and school/college holidays where applicable.

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time in an educational setting, we will consider them to have been received on the next working day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## 6. Summary of complaints procedure

Aurora have adopted a 3-stage process for dealing with complaints:

- Stage One – Informal Stage
- Stage Two – Formal Written Stage
- Stage Three – Panel Hearing

## 7. Stage 1: informal stage

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Aurora Group takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

In the first instance, concerns should be addressed to the member of staff in question (the recipient) who will try to clarify the nature of the concern and the outcome being sought. An informal complaint can be made in person, in writing or by telephone.

If you have difficulty discussing a concern with a particular member of staff, you may wish to raise the matter with the site lead (or function director, such as finance, estates etc if your complaint relates to a member of

the head office or central team); we will respect your views. Similarly, if the member of staff directly involved feels unable to deal with a concern, the recipient will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

The site lead's contact details can be found in section one of this policy. If the complainant is unsure who to complain to, they should contact the group head office as outlined in section 1 of the policy and they will ensure a recipient is appointed.

The recipient will **acknowledge informal complaints, in writing, within 2 working days** and investigate and provide a **response within 10 working days of the acknowledgement**.

If the complainant is unhappy with the response at stage 1 and wishes to proceed to the next stage of the procedure, they should inform the site lead within **10 working days** of receipt of the response.

We understand that there are occasions when people would like to raise their concerns formally. In this case, the Aurora Group will attempt to resolve the issue internally, through the stages outlined below.

## 8. Stage 2: formal written stage

The formal stage involves the complainant putting the complaint into writing by email or letter. This should provide details such as:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint

The letter or email should be submitted alongside copies of any relevant documents in support of their complaint.

Complaints not involving the site lead should be directed to the site lead.

Complaints involving the site lead should be directed to the Operations Director.

Complaints involving the Operations Director should be directed to the People Director.

Complaints involving Head Office or central staff should be directed to the Function Lead as outlined

If the complainant is unsure who to write to, or if they require support, they should contact general enquiries.

**Please refer to the the key contacts page in section 1 of this policy.** The person receiving the complaint is referred to as the recipient.

If complainants need assistance raising a formal complaint, they can contact any of the key contacts listed in section 1.

The recipient will **acknowledge formal complaints, in writing, within 2 working days**.

The recipient (or another person appointed by the Aurora Group for this purpose) will then conduct their own investigation and provide a **response within 20 working days of the acknowledgement**.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the recipient in writing within **10 working days** of receipt of the response.

## 9. Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor (or the CEO for central complaints) and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the site. (The panel will not be made up solely of site governing board members, as they are not independent of the management and running of the site.)

The panel will have access to the existing record of the complaint's progress (see section 12).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. We will **aim to find a date within 7 working days of the request**, where possible.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. However, if the complainant rejects the offer of 3 proposed dates without good reason, we will set a date. The hearing will go ahead using written submissions from the complainant.

Neither the complainant nor the Aurora Group will bring legal representation as the panel meeting is not a form of legal proceedings. The aim of the panel hearing is reconciliation and to put right things that may have gone wrong. However, we recognise there are occasions where legal representation may be appropriate during panel hearings. For example, if an employee is a witness in a complaint, they may be entitled to bring union or legal representation

At the review panel meeting, the complainant and representatives from the site/Aurora Group, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the site/Aurora Group representative(s) will be given the chance to ask and reply to questions. Once the complainant and site representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and site lead.

The panel chair will inform those involved of the decision in writing **within 7 working days**.

## 10. Referring complaints on completion of this procedure

If the complainant is unsatisfied with the outcome of the Aurora Group's complaints procedure and the complaint is regarding a site not meeting the regulatory standards, please see further sources support and advice:

**Schools:** The complainant can refer their complaint to the DfE if the complaint is regarding a school not meeting standards set by the DfE in any of the following areas:

- Education,
- Pupil welfare and health and safety,
- School premises,
- Staff suitability,
- Making information available to parents, or
- The spiritual, moral, social or cultural development of pupils.

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

**Children's Homes.** The complainant can get in touch with Ofsted at enquiries@ofsted.gov.uk or 0300 123 4666 to complain about a childcare provider. Ofsted's role is to make sure that the childcare provider is following all registration requirements and take action if necessary.

Ofsted will review the information you provide and decide what to do. They may carry out an immediate inspection, ask the provider to take action or work with other agencies to look at any issues. However, they will not contact you to let you know the outcome.

**Further Education Colleges:** The complainant can contact the Education and Skills Funding Agency (ESFA). <https://www.gov.uk/complain-further-education-apprenticeship>

**Adult Residential Services:** The complainant can contact: The Local Government and Social Care Ombudsman. More information can be found on the CQC website: <https://www.cqc.org.uk/contact-us/how-complain/complain-about-adult-social-care-service>

## 11. Persistent complaints

### 11.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- › Has made the same complaint before, and it's already been resolved by following the Aurora Group complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Knowingly provides false information
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- › Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- › Changes the basis of the complaint as the investigation goes on
- › Makes a complaint designed to cause disruption, annoyance or excessive demands on the site's or group's time
- › Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the site or group in a disruptive way, we may put communications strategies in place. We may:

- › Give the complainant a single point of contact via an email address
- › Limit the number of times the complainant can make contact, such as a fixed number per term
- › Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- › Put any other strategy in place as necessary

#### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- › We believe we have taken all reasonable steps to help address their concerns
- › We have provided a clear statement of our position and their options
- › The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our sites.

### 11.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.



If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE or CQC as applicable if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## 11.3 Complaint campaigns

Where a site receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the site, the site may respond to these complaints by:

- Publishing a single response on the site's or group's website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 12. Record-keeping and confidentiality

The site will record the progress of all complaints pertaining to their service, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection or police investigation.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the Aurora Group retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared beyond those who need to know in case a review panel needs to be organised at a later point.

Where the senior team and those undertaking a governance role at a site are aware of the substance of the complaint before the review panel stage, the Aurora Group will arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Aurora Group, who will not unreasonably withhold consent.

## 13. Learning lessons

The Operations Director will review any underlying issues raised by complaints with the site lead or specific members of the local senior leadership team where appropriate, and respecting confidentiality, to determine whether there are any improvements that the site can make to its procedures or practice to help prevent similar events in the future.

The Aurora Group will receive regular reports on the types of complaints received in each site in order to support the development of appropriate support structures, and to inform any improvements to procedures or practices.

The group's Incident and Safeguarding Governance Committee will review any underlying themes and issues raised by complaints across the group and determine whether there are any improvements that sites or functions can make to their procedures or practice to help prevent similar events in the future.



## 14. Monitoring arrangements

The Operations Director will monitor the effectiveness of the site's complaints procedure in ensuring that complaints are handled properly.

The Operations Director will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons'.

The group's Incident and Safeguarding Governance Committee will monitor the effectiveness of the complaints policy in ensuring that complaints are handled properly across the organisation.

The group's Incident and Safeguarding Governance Committee will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons'.

## 15. Roles & Responsibilities

### 15.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- › Follow these procedures
- › Co-operate with the site and the Aurora Group throughout the process, and respond to deadlines and communication promptly
- › Treat all those involved with respect
- › Do not publish details about the complaint on social media

### 15.2 The recipient

- › Will acknowledge the complaint
- › Investigate and aim to resolve an informal complaint immediately
- › Where an immediate resolution cannot be found the recipient will appoint an investigator
- › Ensure the complaints file is maintained and update the complaints log as necessary
- › Correspond with the complainant to review timescales where necessary and conclude the complaint once investigated

### 15.3 The investigator

When an individual is appointed to look into the complaint, and establish the facts. They will:

- › Interview all relevant parties, keeping notes
- › Consider records and any written evidence and keep these securely
- › Prepare a comprehensive report to the site lead or recipient which includes the facts, recommendations and potential solutions

### 15.4 The review panel administrator

The administrator will:

- › Be the contact point for the complainant and the review panel, including circulating the relevant papers and evidence before complaints committee meetings
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

### 15.5 The review panel chair

The panel chair will:

- › Chair the meeting, ensuring that everyone is treated with respect throughout
- › Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

- › Inform the complainant of the decision in writing

## 16. Implementation

All site senior leadership teams and Central Function leads are responsible for ensuring this policy is implemented in their site or function.

## 17. Support, Advice and Communication

Guidance and support on handling complaints at site level is provided the Operations Director and the HR Business Partner. At Group level, the People Director and Central HR Business Partner can advise and support.

## 18. Review

This policy will be reviewed every two years by the incident and Safeguarding Governance Committee

## Appendix 1 – Complaint Flowchart

