Amberleigh Care

Specialist Therapeutic Care & Education

COMPLAINTS POLICY

September 2026

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1. Regulations and Standards

England

- Guidance on Chapter 5 of the Regulations: Policies, Records, Complaints and Notifications.
- Regulation 5: Engaging with the Wider System to Ensure Each Child's Needs are Met
- Regulation 7: The Children's Views, Wishes and Feelings Standard
- Regulation 39: Complaints and representations
- Regulation 44: Independent person: visits and reports
- Regulation 45: Review of the quality of care
- Standard 29: Child Protection Procedures
- Standard 4: Residential Special Schools National Minimum Standards

This Chapter should be read in conjunction with the following:

Child Protection Referrals Procedure
Whistleblowing Procedure
Advocacy and Independent Visitors Procedure
Allegations Against Staff Procedure

2. Representations

Young people should be positively encouraged and supported to have their say and make suggestions about:

- Improving the care they receive
- Influencing their learning
- The running of the home
- Making representations and comments about their future plans.

Various procedures in this policy set out how the young people will be engaged in decision making e.g. in the creation or review of their Care and Placement Plans, targets for Person Centred Plans, courses related to future interests and aspirations.

As a general rule, staff should engage the young people in their educational targets (behavioural and learning), day to day running and routine of the home, and in activities that are being planned.

If decisions are made e.g. about an activity, that young people express concerns about or disagree with, staff should do all they can to ensure that a reasonable explanation is given, and that the young people have the opportunity to opt out or be engaged in a different activity (in the home) – if it is possible for them to do so. This includes decisions about routine activities, such as meal preparation or bedtimes; young people should have the opportunity to discuss how decisions are made about these and other routines on a regular basis, and to make suggestions for change. Within school all

the young people are encouraged to attend and participate in school council and community meetings in order for their 'voice' to be heard with respect of their perspectives and actions for influencing learning.

At all time, staff should avoid matters or concerns being escalated or becoming complaints, but should young people continue to be dissatisfied, they should be given the opportunity to make an informal or formal complaint – as set out in this document.

3. What is a Complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, the actions, or lack of action towards an individual or a group.

A complaint should normally be made where all other reasonable methods of resolving the dissatisfaction have been tried and failed or where the complainant believes they would fail.

A complaint may be about:

- The lack of service;
- Being refused a service, including an assessment;
- The quality of a service;
- The attitudes or behaviour of staff;
- Decisions made by staff;
- Delays in dealing with problems or in providing a service.

The complainant should be advised that complaints can always be directed outside the business, to the Regulatory Authority or the Placing Authority or the Office for Standards in Education Children's Services and Skills (Ofsted).

Complaints or allegations of mistreatment or Significant Harm by staff/carers must be dealt with by way of the Child Protection Referral Procedures, not as Complaints.

See Safeguarding and Child Protection Policy, which contains procedures on referring suspicions or allegations of Significant Harm.

4. Who May Make a Complaint?

The following persons have a right to use the complaints procedure:

- A child/young person
- A parent of a child/young person
- A person acting on behalf of a child/young person
- Independent visitors
- Officers from Placing/Regulatory authorities
- People from external organisations

- A neighbour living in the locality.

5. Receiving Complaints

When a young person indicates they wish to make a complaint, the person receiving it should do what they reasonably can to ensure that all other resolutions available have been tried, rather than resorting to the making of a complaint.

Where a person insists that they wish to make a complaint, staff or managers in the home/school should still deal with the matter, if appropriate. If a complaint is made about the manager of the home/school or another person in Line management, it should be passed to a manager outside of the Line Management Structure. No person who is the subject of a complaint will take any part in its consideration, other than at the local resolution stage (Stage 1), if appropriate.

If they wish to do so, complainants may direct their complaints to others outside the home, such as the Independent Advisor or a Senior Manager. They may direct their complaints to the Regulatory Authority (Ofsted) or the Placing Authority and they must be advised of their right to do so.

Complaints should preferably be put into writing, in a letter or using a Complaints Form; but other methods may be used, including the use of audio tapes or verbally.

If assistance is provided to complainants in recording or writing their complaints, the record/letter should indicate the name, status and contact details of the person providing the assistance.

Brief details of the receipt of all complaints must be recorded in the Complaints Log at the location they pertain to.

6. Informing Young People about the Complaints Procedure

The young people will be informed about the Complaints Procedures in a variety of ways; including the Young Person's Guide given to them before or upon admission. This must be in a format that the Young Person can understand.

This must include the name, address and telephone number of the Regulatory Authority in the area where the home is based. Other relevant organisation and persons details should also be included.

Managers must take all reasonable steps to ensure that children feel comfortable with the making of comments or complaints, they are enabled to make a complaint or representation and are free from reprisals if they choose to do so.

Complainants should be given any reasonable assistance they require or request, including being advised that they may ask someone else to make the complaint on their behalf.

They will also be given information and contacts details of Advocates they may contact, who may make complaints or advocate of their behalf or assist them in doing so. These details are displayed in school.

The complainant must be advised that if they choose to complain directly to the Placing Authority, the Placing Authority must provide information and assistance.

The Young Person's Guide will provide advice to the Young People about how to use the procedures to their best advantage; and on the process of investigating complaints made by them.

The Young Person's parents and the Placing Authority must be given a copy of the complaints procedure. This complaints procedure is available to all persons working in the Home.

If they request it or it appears appropriate, they should be given information on additional advocacy or support networks which may help them use the procedures effectively; this should include providing contact details, which are displayed in school.

Where a young person wishes to make a complaint, staff or managers in the home should still deal with the matter, if appropriate. If a complaint is made about the Manager it should be forwarded to the Managing Director. If the complaint is made about a Director the young people can take their concerns in the first instance, to the home/school manager, another Director or the HR Manager respectively. The child may also wish to take their complaint externally to their Social Worker, IRO, Virtual Head Teacher, Advocate, Child Line, Ofsted etc.

Young people to be given reassurance that:

- They will be listened to and they will be free from reprisal or reproach for exercising their right to make a complaint;
- The complaint outcome will be reviewed in the subsequent Independent Regulation visit report and the young person's welfare monitored to ensure that they have suffered no negative consequences for making a complaint;
- The young person's complaint will be taken seriously and the Manager or any other person dealing with the complaint will review the complaint made and remain in communication with the young person to ensure they are aware of the procedures taking place;
- The young person is to be reassured that the outcome of the complaint will be finalised within 14 days (unless there is mitigating circumstances where an extension to the timeframe may apply. This will be communicated to the young person in writing). They will be given the outcome in writing;
- The young person will be given a full right to appeal the decision that has been made and they will be reassured that there will be no recriminations following a complaint being made;
- The young person will be made aware that the Manager, or any other person dealing with the complaint, may need to talk to other people to ensure the complaint is dealt with efficiently

and correctly and the information will be treated as private and only shared with those who need to know about it.

7. Complaints procedures for Young People

Local Resolution (Stage 1)

Timescale: 14 Days

If possible, the person receiving the complaint or their supervisor/manager should resolve the matter as soon as reasonably practical and in any event within 14 days. This may be extended for a further 14 days with the agreement of the complainant.

This assumes that the person receiving the complaint has the delegated authority to resolve the matter satisfactorily.

If not, that the person can immediately pass the matter to a supervisor or manager with an appropriate level of authority to resolve the matter satisfactorily.

If it is possible to resolve a complaint within 14 days, the person resolving it should do the following:

- Note the fact that a complaint was made and resolved in school CPOMs online platform record, including a summary of the complaint and the manner in which it was resolved. Complete the Complaints Log found in the complaints file. The school manager must confirm in writing to the complainant the agreed resolution;
- If the Manager was not involved in resolving the matter, notify the Manager as soon as practicable.
- Indicate whether the complaint was resolved at the preliminary stage, or whether they proceeded to the panel hearing.

The manager should then consult the complainant to ensure they are satisfied, brief their Line Manager if necessary and sign off the Complaints Log.

Formal Consideration (Stage 2)

Timescale: 35 Days

Where the person receiving the complaint cannot resolve it within 14 days, or a further 14 days if agreed by the complainant, it should be referred, for Formal Consideration, to a person independent of the home.

Before undertaking the Formal Consideration, the independent person should clarify the substance of it with the complainant, put it into writing and give a copy to the complainant.

If the complaint relates to a Young Person in the home, their social worker should be consulted.

The independent person dealing with the complaint at this stage should attempt to resolve it as quickly as possible but within 35 days of the request for the Formal Consideration. This may be extended with the agreement of the complainant. If the complaint has not been resolved within 35 days the Regulatory Authority (Ofsted) must be informed of the reason for the delay.

The complainant should be notified of the outcome of the complaint, preferably verbally, but always in writing. If the complaint was justified, the complainant should be told what, if any, remedial action will be taken and an apology offered.

Details of the outcome must be recorded in the Complaints Log, which must be countersigned by the manager if they have not handled the complaint themselves. Copies of all records and correspondence relating to the complaint should kept as follows:

- In the Complaints File held by the manager;
- On CPOMs online management system

Complaints Subject to Concurrent Consideration (Social Care)

There are circumstances where the Care Manager must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled such as:

- A complainant has stated in writing that he or she intends to take proceedings in any court or tribunal;
- The manager is taking or is proposing to take disciplinary proceedings;
- The manager has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings;
- A meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children;
- The manager has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000.

Such complaints are referred to as "Complaints Subject to Concurrent Consideration".

In these circumstances, the Care Manager may choose to discontinue considering the complaint as it may compromise or prejudice the other consideration. If the manager decides to take this action he/she must inform the complainant of this decision. However, the manager may resume considering the complaint at any time. The manager must ascertain the progress of the 'concurrent consideration' and inform the complainant when it has been concluded.

The manager must resume considering the complaint where the 'concurrent consideration' is discontinued or completed and the complainant requests that the complaint be considered.

8. Complaints Procedures for Parents, Carers, Significant Others, Independent Visitors, Officers from Placing/Regulatory Authorities, Staff and External People/Organisations e.g. Neighbours, Police etc.

Any of the above may complain to the School about any aspect of the young people living at Amberleigh or alternatively contact Ofsted or the young person's placing authority.

These complaints will be addressed seriously and without delay. The aim is to resolve the complaint to the satisfaction of the complainant.

Any person who is the subject of a formal complaint will not be responsible for resolving or responding to the complaint.

The Oaks School, Amberleigh is happy to provide an advocate for a complainant so that they may be supported.

At each stage of the process the complaint will be dealt with, if possible within 14 days of the complaint being made. An extension to this limit may be agreed where necessary. However, all complaints will be fully responded to within a maximum of 28 days and the complainant kept informed of the progress.

All complaints, regardless of stage will support parents and or social workers to attend and to be accompanied at a panel hearing if they wish.

Local Resolution (Stage 1)

Timescale: 14 Days from the receipt of a Stage 1 Complaint.

If possible, the person receiving the complaint or their supervisor/line manager should resolve the matter as soon as reasonably practical and in any event within the timescales at the start of this section unless agreed in writing by the complainant.

This assumes that the person receiving the complaint has the delegated authority to resolve the matter satisfactorily and the complainant agrees that it can be dealt with at this stage. If not, or if the matter is not resolved satisfactorily, it must be passed to the designated manager (complaints) for consideration at Stage 2 - see below.

Details of the outcome must be recorded in the School complaints log indicating whether the complaint was resolved at the preliminary stage, or whether they proceeded to the panel hearing, which must be countersigned by the Headteacher or Registered Care Manager. The complainant, Headteacher, Registered Manager, Proprietor and where relevant the person complained about, should receive a copy of any findings and recommendations.

Formal Consideration (Stage 2)

Timescale: 28 Days from the receipt of a Stage 2 Complaint.

Matters that must be considered at this stage are:

i. Stage 1 complaints that are not resolved satisfactorily.
ii. Where the manager of the school/ home does not have the appropriate level of authority to resolve the complaint.
iii. Where the complainant has requested a Stage 2 investigation.

Stage 2 complaints must be referred to the designated manager (complaints).

Support with writing a complaint can be provided by Amberleigh.

The designated manager (complaints) should attempt to resolve the complaint as quickly as possible but within the timescales stated at the start of this section unless agreed in writing by the complainant. Should this not happen the complainant is entitled to forward it to Stage 3.

The complainant, Headteacher, Registered Manager, Proprietor and where relevant the person complained about, will be given a copy of any findings and recommendations.

Details of the outcome must be recorded in the School complaints log, which must be countersigned by the Headteacher or Registered Care Manager.

Review Panel (Stage 3)

Timescale: 28 Days from the receipt of a Stage 3 Review Panel.

If dissatisfied with the outcome of a Stage 2 formal investigation, complainants may request a Stage 3: Review Panel, to consider their complaint.

To instigate a Stage 3 Review Panel, the complainant should notify the designated manager (complaints) either verbally or in writing; the notification will be confirmed in writing explaining the process and timescales for undertaking a Stage 3 Review Panel.

The designated manager (complaints) will ensure that:

a. the complainant is clear about the process and timescales
b. a Review Panel is established to consider the matter; the Review Panel will consist of 3 people that are independent of the matter being considered including:
    i. a member or members of Amberleigh's Senior Management Team
    ii. a person/persons independent of Amberleigh School
    iii. One of the panel members will be asked to chair the panel and report to the designated manager (complaints) on the recommendations that are made.
c. necessary arrangements are made for the panel to be convened and conducted in a fair manner
d. the recommendations of the panel are properly considered, involving senior managers as necessary, and that any decisions or actions are acted upon promptly

e. the complainant and his/her advocate/representative are briefed verbally and in writing of the outcome.
f. the complainant may attend and could be accompanied at a panel if they wish.

Findings and recommendations made by the Review Panel will be given to the complainant, Headteacher, Registered Manager, Proprietor, and where relevant the person complained against.

9. Correspondence

The complainant, Headteacher, Registered Care Manager, Proprietor and where relevant the person complained against will be provided with a copy of any findings and recommendations.

All correspondence including statements and records relating to individual complaints will be kept confidential except where the Secretary of State or another body conducting an inspection requests access to them under the Education Act 2002 or the Education and Inspections Act 2008.

When necessary, relevant issues will always be brought to the notice of:

iv. The Placing Authority or the Regulatory Authority
v. The parents/carers
vi. Ofsted

10. Complaints by Other Methods

A young person may pursue a complaint by other methods e.g. by telephone or by writing a letter to the Independent Listener or an officer of the Placing or Regulatory Authority or another appropriate person of Ofsted.

All young people have been informed about CHILDLINE. The telephone numbers of Childline, Ofsted, the NSPCC and advocates are displayed in a prominent position in the School.

Telephone access to the above numbers is always available through the office telephone, which can be facilitated as requested.

The complaints books and a copy of the complaints policy are kept in the School and are open to inspection by young people, staff, parents and others as appropriate.

11. Number of Complaints registered under formal procedure:

2021: 0
2022: 0
2023: 0
2024: 0

2025: 0