

kisimul

EDAC15 | Acacia School

Complaints

Policy and Procedure

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Equality, Diversity & Inclusion Statement

No person or group should suffer oppression or lack of opportunity because of a protected characteristic. Kisimul Group opposes all forms of unlawful discrimination, and we are committed to encouraging equality, diversity, fairness and inclusion in the application of our policies so that everyone has equal access and feels welcome and at ease. To achieve this aim, the application and accessibility of our policies, and the decisions and outcomes arising from our policies, may be monitored to ensure their use is fair, equal and consistent irrespective of any characteristic as may be defined by the *Equality Act 2010*. This is to ensure that we are listening to people and appropriately understanding their needs, and are tailoring the way we interact and publish or act on our policies to ensure we are promoting equal access and opportunity at all times.

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1. Introduction

1.1.1 Kisimul Group is committed to responding quickly, openly and sensitively to complainants, and aims to support spirit of candour and a culture of openness and honesty as we seek to resolve concerns, learn lessons from mistakes that may have occurred, and improve the quality of services we provide.

1.1.2 This policy sets out a framework for the management of complaints from the people we support, or their significant others, regarding care, support or education, provided by the Kisimul Group. This policy is underpinned by the duty of candour. This requires colleagues to be open and honest in their communication with people we support and their nearest relatives. Being open involves explaining what happened after an event, acknowledging and apologising for mistakes, and putting things right.

1.1.3 The aim of the document is to outline the procedure to enable resolution of complaints, both formal and informal, as quickly as possible, either through local resolution by a front-line member of colleagues, through colleagues who are empowered to deal with complaints as they arise in an open and non-defensive way, or through subsequent investigation and conciliation. It sets out a framework for the management of complaints in line with best practice and the expectations of the **Ofsted** and the **Department for Education**. It fulfils the current provisions of *The Independent School Standards 2019*. In line with these requirements, the complaints procedure provides for concerns to be dealt with through local resolution at Group level in several stages.

2. Definitions

2.1 Concern vs Complaint

2.1.1 A **concern** may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A **complaint** is an expression of dissatisfaction, however made, about the standard of service, or actions, or omissions, by the colleagues of Kisimul Group, in the performance of their duties.

2.1.2 People we support, and other potential complainants, are encouraged to verbally or informally voice any concerns they have at a very early stage, so these can be resolved before the issue escalates, and the individual's dissatisfaction increases. Complaints raised in this way are referred to in this policy as "**informal complaints**". This includes any concern that is raised by a person we support, a parent or carer, however, any person may raise a concern or complaint about any provision of services we provide.

2.1.3 We view any complaints as an opportunity to identify anything that is going wrong in our organisation and would hope to resolve them quickly and informally. However, where issues cannot be resolved at an informal stage via exchange of information or discussion to resolve and address any shortfalls the complaint should be submitted to the Group in writing and this would then constitute a "**formal complaint**".

2.1.4 Any complaint, regardless of level of formality, will be taken seriously and dealt with in a swift manner, according to the guidelines set out in the complaint's procedure. All complaints will be treated as confidential in line with General Data Protection Regulations.

3. Who Can Complain?

3.1 Complaints in scope

3.1.1 Complaints may be made by people who use, or have used, our services, their relatives, or representatives acting on their behalf, about issues affecting those we support, with their consent.

3.1.2 A complaint may also be made by a representative acting on behalf of an existing or former service user where that person:

- Is unable by reason of physical or mental incapacity (within the meaning of the *Mental Capacity Act 2005*) to make the complaint him/herself.
- Has requested the representative to act on his/her behalf.
- Is a child.
- Has died.
- Has been asked to do so by the person we support.

3.1.3 If the complainant is not the person we support, and the person we support has capacity to make complaints themselves, the consent of the person we support should be sought before disclosing any personal information to a third party.

3.1.4 In the case of a child, the representative must be a parent, guardian or other adult who has care of the child. Where the child is in the care of the local authority, the representative must be a person authorised by that body.

3.1.5 Children can make a complaint in their own right where it is deemed they have the capacity to do so.

3.2 Complaints not in scope

3.2.1 Complaints which have already been investigated in accordance with the Complaints Procedure. These will not be re-investigated, and the complainant will be reminded of their right to refer their concern to the Local Government and Social Care Ombudsman for a Stage 2 review.

3.2.2 Complaints made for the first time regarding an issue or concern that arose over 12 months prior to the complaint being made.

3.2.3 The complaint is or has already been investigated by the Local Government and Social Care Ombudsman.

3.2.4 A complaint that was raised orally and resolved to the complainant's satisfaction by the next working day.

3.2.5 Anonymous complaints. However, where an anonymous complaint raises serious concerns of a safeguarding nature, the anonymous complaint will be dealt with via the whistleblowing procedure.

3.2.6 The complaint relates to matters that should be dealt with under other proceedings such as grievance, whistle-blowing or bullying and harassment.

3.2.7 The Complaints procedure is not for colleagues of the company. Colleagues who have complaints about other colleagues, support given to a person we support, Group services, or their own employment, should take forward their concerns through the relevant procedures for:

- Grievance (***HR04 Kisimul Group Grievance Policy and Procedure***)
- Bullying and Harassment (***HR10 Kisimul Group Dignity at Work Policy and Procedure***)
- Whistle Blowing (***HR09 Kisimul Group Whistleblowing Policy and Procedure***)

4. Roles and Responsibilities

4.1 The Chief Executive Officer

Has overall responsibility for ensuring compliance with national and local standards that are reflected in the organisation's policies. The Chief Executive Officer is accountable for the Group complaints arrangements, and delegates this responsibility to the Managing Director and Director of Operational and Practice Performance.

4.2 The Director of Operational and Practice Performance

4.2.1 Is the Executive strategic lead for complaints management.

4.2.2 Ensures effective systems are in place across the Kisimul Group for the management of complaints in line with national standards.

4.2.3 Monitors complaints response timescales, and reviews themes and trends from complaints within the formal governance structures, to ensure learning is captured and acted upon as appropriate.

4.2.4 Works with the **Group Executive Education Lead** to convene a panel review in the event of a complainant being dissatisfied with a written response to a formal complaint.

4.2.5 Escalates concerns to appropriate parties and the Board.

4.3 The Group Executive Education Lead

Is responsible for:

4.3.1 Ensuring effective systems are in place for the management of complaints in line with national standards at Acacia School and other Kisimul Group schools.

4.3.2 Ensuring all complaints received are investigated in accordance with the Duty of Candour and that investigation and responses are provided within agreed timescales.

4.3.3 Identifying individual responsibilities for complaints, ensuring that the Investigating Officer has the appropriate seniority and knowledge and is suitably independent of the events that gave rise to the complaint.

4.3.4 Signing off complaint responses before they are sent to the complainant.

4.3.5 Meeting with complainants, where direct involvement may help in the investigation and resolution of the complaint.

4.3.6 Agreeing action plans arising from complaints, ensuring these are implemented and that changes in practice take place.

4.3.7 Convening a panel review in the event of a complainant being dissatisfied with a written response to a formal complaint.

4.3.8 Coordinating and overseeing reports submitted to the Ombudsman to ensure they are clear and factually correct.

4.4 Headteachers

Are responsible for:

4.4.1 Ensuring all complaints are recorded on the Radar system.

4.4.2 Ensuring complaints are investigated, acknowledged and responded to in line with this procedure.

4.4.3 Immediately referring any complaints that pertain to their own practice to the Group Executive Education Lead.

4.4.4 Maintaining ongoing dialogue with complainants and ensure they are kept informed of progress.

4.4.5 Ensuring our Duty of Candour is followed and the complaints are investigated and responded to in the spirit of openness and learning.

4.4.6 Keeping robust records and complaint files within the service, including completion of the Complaints Logs that are appended to this policy.

4.4.7 Reporting very serious complaints to the **Executive Team** via the Serious Incident Procedure.

4.4.8 Sharing draft final responses with the **Group Executive Education Lead**, and ensure their agreement of final responses, prior to sending.

4.4.9 Uploading all correspondence to the Radar system.

4.4.10 Ensuring that accessible information is available for people we support, letting them know how to make a complaint.

4.5 All colleagues

4.5.1 Have a responsibility to be aware of, and comply with, this Compliments and Complaints Policy and Procedure.

4.5.2 Must comply with the Duty of Candour at all times.

4.5.3 Must report any informal or formal complaint received to the **Headteacher**.

4.5.4 In following this procedure, all colleagues should ensure that:

- All complainants are listened to and treated with respect and courtesy at all times.
- Where possible, simple concerns or complaints are resolved at the earliest possible opportunity, at local level, making sure that complainants receive a full explanation with an apology where appropriate.
- Letters of complaint, including emails, are immediately referred to the **Headteacher**.

5. Purpose

5.1.1 The policy is designed to ensure that the Group provides a timely and effective service to resolve complainants' concerns, support complainants and colleagues throughout the process, deliver a consistent approach across the Group, and have sound systems in place for learning lessons from complaints.

5.1.2 We are committed to respecting the human rights of service users and their circle of support, the principles of fairness, respect, equality, dignity and autonomy will be taken into account when receiving, monitoring and reviewing complaints.

5.1.3 The purpose of the Complaints policy is to ensure that:

- The complaints procedure will be accessible and well publicised to people we support, and other potential complainants.
- The Group will respond in a prompt and sensitive way to the complaints it receives.
- The Group response to complaints will be open and transparent.
- The complaints procedure will be supportive for those who may find it difficult to complain.
- The procedure will be accessible to all regardless of age, disability, sex, ethnicity, belief or sexual orientation.
- The procedure will be fair to people we support, other complainants, and colleagues.
- The lessons learned in complaints resolution will be used to improve services for people we support, and to inform colleagues professional development.
- People we support and their circle of support should be able to complain without fear of being discriminated against or adversely impacted as a result of making a complaint.

6. Serious Complaints

6.1.1 If an allegation or suspicion relating to any of the following areas is received:

- Any form of abuse or neglect related to people we support
- Financial misconduct
- Criminal offence
- Safeguarding issues

it should immediately be reported as a Serious Incident under the Group Serious Incident Reporting Policy and investigated as a formal complaint, and/or referred to the appropriate agency, as appropriate.

6.1.2 If the complaint is referred to an appropriate agency for more serious investigation (i.e. police, Local Authority Designated Officer/Safeguarding Team, etc.), then the complaints process may not necessarily be the most appropriate route of investigation and a decision will be made as to whether the complaint should be investigated.

6.1.3 Where the allegation or suspicion is in relation to a professional in a position of trust who is working with people at risk, a referral will be made to the Local Authority Designated Officer/Safeguarding Team immediately.

7. Stage 1: Informal Complaint

Kisimul Group is committed to responding to complaints quickly and sensitively. The majority of complaints will be resolved through local resolution. The primary objective of local resolution is to provide the fullest possible opportunity for investigation, fact-finding and resolution of the complaint, as quickly as possible, with the aim of satisfying the complainant whilst being fair to colleagues.

7.1 Procedure for addressing informal complaints/concerns

7.1.1 There may be opportunities to resolve issues less formally, which should be explored where possible with a view to responding to concerns as they arise, and are informally raised, and resolving these immediately.

7.1.2 Those raising issues should be encouraged to speak openly about their concerns and reassured that what their feedback will be treated with appropriate confidence and will not affect any support given. Any comments or expressions of dissatisfaction should be listened to sympathetically. It should always be the aim of colleagues to resolve concerns promptly so that the experience of those who we support is not diminished.

7.1.3 Colleagues who are unable to resolve the matter themselves should refer them to the **Headteacher**. This is the most appropriate route for concerns and issues that do not indicate serious misconduct/negligence, or which do not raise concerns in relation to safeguarding children or vulnerable adults. Where colleagues are unable to resolve the complaint, the complaint is very serious, with risk identified, or the complainant wishes it to be dealt with in a more formal manner, the complaint should be dealt with under the formal complaints process in [Section 8](#).

7.1.4 It is the responsibility of the **Headteacher** to maintain a log of all informal complaints made, which will include the following:

- Name of complainant.
- Date received.

- Issue of concern.
- Actions taken to resolve.
- Details of feedback given to the complainant.
- Date of feedback given to the complainant.
- Details regarding their response/level of satisfaction.

7.1.5 A copy of the written informal complaint will be held at the school and made available for the analysis of themes and trends within the company governance structures, when required.

7.1.6 Feedback of the action taken and outcome will be given within 7 days from the date it was received. Where this is not possible, the complainant should be notified in writing of progress, and the reasons for any delays.

7.1.7 Following this, if the complainant feels that the matter has not been resolved satisfactorily, a Formal Complaint can be made to the Group.

8. Stage 2: Formal Complaint

8.1.1 Where possible, complainants should be encouraged to make formal complaints in writing. However, if they are not able to do this, or the matter needs more urgent resolution, then formal complaints can be taken verbally from complainants, by colleagues, with an account of the concerns agreed with the complainant, and summarised in writing by a member of colleagues.

8.1.2 Where the person we support or other complainant needs or wants objective/confidential support to do this, from outside of the Group, they should be provided with details of an external advocacy service, who can support them with making a formal complaint, and supported to access this, if needed.

8.1.3 Formal complaints are recorded in a formal complaints record, which is stored confidentially at the school. The complaints record holds copies of the original complaint and all subsequent correspondence. This will include the following:

- Name of complainant.
- Copy of the complaint.
- Copy of acknowledgement letter.
- Copy of any relevant investigation information.
- Copy of the response to the complaint.
- Any subsequent correspondence from the complainant.
- Whether the complaint was resolved following a formal procedure, or proceeded to a panel hearing.

8.1.4 All records, complaint register, correspondence and statements, etc. relating to individual complaints are stored confidentially in line with *Data Protection Act 2018* and the *Working Together to Safeguard Children* guidelines, except where the Secretary of State or a body requesting an inspection makes a written request for access to the information.

8.1.5 All formal complaints, acknowledgement letters and final responses will be uploaded to the Radar system and copies forwarded to the **Group Executive Education Lead** at the point of receipt/completion. The **Director of Operational and Practice Performance** will maintain a central log of all complaints, and monitor themes, trends, lessons learned and timescales for completion.

8.1.6 Nobody who is the subject of a formal complaint will have any involvement in investigating it.

9. Stage 3: Panel Review

9.1.1 Where the complainant is unhappy with the written response, the Group Executive Education Lead and the Director of Operational and Practice Performance will convene a panel review on behalf of the Group, which will consist of at least three people who were not directly involved in the matters detailed in the complaint, of whom at least one is independent of the management and running of the school. Panel reviews will:

- Allow for the complainant to attend and be accompanied at a panel hearing if they wish.
- Make findings, recommendations and detail action taken, which are provided to the complainant and, where relevant, the person complained about; and are available for inspection on the premises, by the Group and the Headteacher.

9.1.2 If, after the panel review, the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education (see [Appendix 1](#)). The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will consider whether the School has adhered to education legislation and any statutory policies connected with the complaint.

10. Timescales

10.1 Day 0 - Complaint received

The **Headteacher** will:

- Forward a copy of the complaint to the **Group Executive Education Lead**.
- Record the complaint on the Radar system.
- Arrange to meet with the complainant, where appropriate.

10.2 By Working Day 3

The **Headteacher** will:

- Acknowledge the complaint by letter.
- Send a copy of the complaints acknowledgement letter
- Upload a copy of the acknowledgement letter onto the Radar system.

- Determine the proposed plan for investigation and resolution, and set this in motion.

10.3 By Working Day 20

A draft complaints response should be sent by the **Headteacher** to the **Group Executive Education Lead**, for review and agreement.

10.4 By Working Day 25

The **Headteacher** should send the final response to the complainant, and upload the final response to the Radar system.

11. Governance and Learning from Complaints

11.1.1 The complaints process aims to ensure that learning from feedback is used improve the quality of services provided by the Group. The timely and appropriate dissemination of learning from complaints is essential to ensuring participation in the learning process and improved care.

11.1.2 Complainants' satisfaction regarding the quality of the response, the efficacy of how their complaint was handled, and subsequent action taken in response to the concerns they raised, is subject to annual audit.

11.1.3 Data with regard to complaints, and how they have been handled and responded to, will be reviewed within the education governance meetings and reports, and Practice Effectiveness and Safeguarding Committees. This will include:

- Outcomes of annual complaints audit, and the implementation of the findings.
- Details of complaints (number and type) received in the quarter.
- Due and overdue investigations.
- Outcomes of investigations in the quarter.
- Themes and hotspots.
- Actions taken and lessons learned from the themes.
- Action implementation delays.
- Complaints referred to external bodies and subsequent outcome.
- Any serious or contentious issues of concern.

11.1.4 The Practice Effectiveness Forum and Safeguarding Committee are responsible for providing oversight of complaints, adequacy of complaints handling, ensuring local lessons are applied, and shared Group-wide as required. A summary of activity, and any risks, themes or trends identified, together with details of any themes that need addressing proactively, at organisational level, will then be escalated to the Board of Directors, via the Quality Board.

12. Linked Documents

12.1 Kisimul Policies

12.1.1 EDAC16 Managing Allegations at Acacia School Policy and Procedure

12.1.2 HR04 Kisimul Group Grievance Policy and Procedure

12.1.3 HR09 Kisimul Group Whistleblowing Policy and Procedure

12.1.4 HR10 Kisimul Group Dignity at Work Policy and Procedure

12.1.5 Q07 Kisimul Group Complaints Policy and Procedure

12.2 Legislation

12.2.1 The Independent School Standards 2019

12.2.2 Metal Capacity Act 2005

Appendix 1 – Important Contacts

Role	Name	Contact
Acacia School Headteacher	Terry Lawson	01673 880 022
Group Executive Education Lead	Paul Routledge	01522 868 279
Director of Operational and Practice Performance	Nicola Cooper	01522 868 279
Department for Education	http://www.education.gov.uk/contactus	

