



# **The Shires at Oakham Complaints Policy and Procedure**

## Policy

The Shires is an equal opportunity employer that is committed to delivering the best possible care and education to the children/young people/adults in its care. The Shires is committed to providing a high quality, safe and person-centred care and education to all the vulnerable people in our services. This policy and procedure covers all provisions/sites under The Shires.

*Our mission statement is:*

*Children, young people and vulnerable adults with autism have the right to the same aspirations, dreams and experiences that their mainstream peers enjoy. The Shires aims to make this happen by providing a family environment where all staff work seamlessly together to provide a holistic context for lifelong living and learning.*

In practice, this means remembering that the vulnerable young people and adults in our care are the most important people in The Shires.

The Shires' staff and management are accountable to the pupils/residents, their parents, placing authorities, the local community and to Acorn Care and Education in delivering services of the highest standard.

In order for us to continue delivering services of the highest standards we need you to tell us when we get things wrong. We recognise that from time to time things may not run as smoothly as they should and sometimes misunderstandings occur. Left unresolved a small difficulty can become a serious issue, which is something we all want to avoid. It is very important that any concerns you have with our staff or the services we deliver are raised as quickly as possible.

Most complaints can and should be dealt with immediately, as it is often very difficult to make a judgement on a matter some weeks later. We invite and encourage parents, students/residents, placing authorities and any external organisations or persons who have contact with our young people, vulnerable adults, our schools or the homes to come forward and voice any minor or major concerns about any aspect of The Shires' work or staff, so that they can be dealt with effectively.

All complaints will be handled with regard to the following code of practice:

- all complaints will be dealt with courteously, promptly and objectively
- no-one who is the subject of a complaint will be involved in considering the response to the complaint
- there will be no reprisals or negative words or actions against any person who makes a complaint or asks someone else to raise a complaint on their behalf
- complaints against senior managers of the homes or the schools will be heard by the proprietors - Acorn Care and Education
- independent advocacy support for young people at The Shires is provided by NYAS 0808 808 1001 (for children and young people) and Total Voice 01522 706580 (for adults). The advocate can support students or their families in making a complaint on their behalf if necessary and in understanding the procedures
- all complainants will receive a response to their complaint and information about how to pursue it if they are dissatisfied with the outcome or the way the complaint was handled
- written records of all complaints indicating how and when they were resolved will be kept securely and will be monitored on a monthly basis by the directors of the company - the records will be available for external review by inspectors

- complaints will be treated confidentially except where this would put an individual at risk, when the child's/young adult's safety must be the first concern - any complaint which alleges any kind of abuse will be dealt with via our safeguarding policy in line with Rutland County Council Safeguarding Policy for Children and young people. A copy of this document is available directly from Rutland County Council.

### **What is a complaint?**

A complaint is an expression of dissatisfaction, whether justified or not.

Our policy covers complaints about:

- the standard of care and education we provide
- the behaviour of our staff
- any action or lack of action by our staff affecting an individual or group

Our complaints policy does not cover:

- matters that have already been fully investigated through this complaints procedure
- anonymous complaints

Please note that if you send us an anonymous complaint we will not be able to resolve it as effectively as stated in our policy and procedure.

## **Procedure**

### **How to make a complaint**

If you wish to make a complaint, you can do so by telephone, email or letter.

- our telephone number is 01572 720357 (one of our staff will help you by writing out your complaint)
- our email address is [info@theshires.org.uk](mailto:info@theshires.org.uk)
- our postal address is The Shires at Oakham, 3 Uppingham Road, Oakham, Rutland LE15 6JB

### **What we need from you when you make a complaint**

In order for us to help you resolve your complaint as quickly and as effectively as possible we would like you to provide us with the following information about yourself

- your full name
- your contact telephone number
- your email address (if available)
- the nature of your complaint

If you do not provide us with the above details but send us an anonymous complaint we will not be able to resolve it as effectively as stated in our policy and procedure.

## **Complaints from students and residents in The Shires**

Because the majority of young people who are cared for at The Shires have very little verbal, functional language, it is difficult for them to make their views known about issues or people that affect them.

Advocacy support for students and residents is provided by the independent services named above. Students/young people/residents are invited, through the advocate, to pass their views on formally. Students/young people/residents views are also passed on through reviews and informally through the advocate's reports.

The Shires' staff, particularly primary carers, can also raise complaints on behalf of young people.

Records of the complaints raised on behalf of any young person/adult resident and how the complaint was resolved will be kept securely and made available to the placing authority/Ofsted/DfE upon request.

The advocate and staff will explain the outcome/resolution to the young person/resident in an appropriate form.

## **Complaint from parents/carers, placing authorities, or external persons or bodies involved with the children/young people/adult residents at The Shires**

If a complaint is related to a care matter or any of the care staff please direct your complaint to the Registered Manager of the Children's Home at Oakham

If a complaint is about our school or the teaching staff please direct your complaint to the Teaching Team Manager in Oakham.

If a complaint is about any other issues, the contact is the Director of Care and Education, Marina Gough or in her absence the Deputy Director of Care and Education, Charles Tosan

## **Stages of our complaint procedure**

There are two stages to our complaint procedure

### **Stage 1**

This is the first opportunity for The Shires to resolve a complainant's dissatisfaction, and the majority of complaints will be resolved at this stage. In the first instance, we will try to get your complaint resolved by the relevant manager of the department, team or staff against whom the complaint has been made. Upon receipt of your complaint we will contact the relevant manager and ask them to deal with your complaint.

### **How will your complaint be dealt with at this stage?**

- a) As a first step you may want to make the relevant manager aware of your concerns verbally, in person, by phone, email, or letter. We will make every effort to resolve the complaint or concern through discussion with you. If the matter is resolved satisfactorily at this stage we will log the content and outcome of the complaint and ask you to sign to say you are satisfied with the outcome and the way the issue has been dealt with.

- b) If your complaint is of a more serious nature, you may wish to request a more formal meeting with the relevant person(s). In this case, we will take notes and ask you to sign that they represent the substance of your complaint. The complaint will then be dealt with in the same way as the process to handle written complaints described below.
- c) If the matter is not resolved satisfactorily through discussion, you should put your complaint in writing, making it clear what you feel ought to be done to resolve your concerns. At this stage your complaint should be addressed to the Director of Care and Education.

Formal complaints will be dealt with according to the timetable below. We will:

- acknowledge by letter that we have received your complaint within five working days
- conduct a thorough investigation into the issues you raised, which may involve consulting the staff concerned.
- send you a full response within 20 working days.
- send a copy of the response to any staff members involved and to parents or placing authorities (if appropriate)
- we will record details of any action taken to resolve the complaint

## **Stage 2**

If you are dissatisfied with this response you may request a review by the proprietor of The Shires. Your request should be sent to the Director of Care and Education at the address given above, who will forward your request to a director of Acorn Care and Education. Alternatively, you can address your request directly to the proprietor at the address below:

Acorn Care and Education  
1 Merchants Place  
River Street,  
Bolton,  
BL2 1BX

Tel: 01204 558038

Email: [info@acorncare.co.uk](mailto:info@acorncare.co.uk)

The proprietor will investigate the matter further. At this stage The Shires may set up a panel hearing to investigate the complaint and make findings and recommendations.

If the matter is referred for a hearing before a complaints panel, the following arrangements will be made:

- a) the panel may be set up at The Shires or at a venue requested by the complainant within 20 working days of the written notification that the complainant is dissatisfied with the outcome or handling of the complaint under the formal published process
- b) the panel will be made up of at least 3 people who have not been directly involved in the complaint to that point
- c) a person who is independent of the management and running of The Shires will chair the panel

- d) the complainant may attend the panel hearing and may be accompanied by a friend or legal adviser - The Shires may also have its own legal and other advisers present if it deems it necessary.
- e) the panel will make its findings and recommendations known within 20 working days of the hearing - a copy will be given to the complainant, the proprietors, the Director of Care and Education and the person complained about.

After stage 2, should you remain dissatisfied or if we have concerns about your conduct as a complainant, then either party may refer the complaint to the placing authority, the Department for Education or Ofsted. The contact details for Ofsted and the DfE are below.

The National Complaints Team  
Ofsted National Business Unit  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
tel: 0300 1234666.

Independent Education and Boarding Team  
Department for Education  
Mowden Hall  
Staindrop Road  
Darlington  
DL3 9BG  
tel: 0370 0002288

In such circumstances the directors will be required to send copies of all correspondence between the complainant and The Shires to the DfE and Ofsted. These bodies will follow their own policy for dealing with complaints and will respond directly to the complainant.

### **Persistent and or vexatious complaints, our policy on this matter**

These are becoming an increasing problem for many organisations and public sector bodies, and difficulties in handling such complaints can place strain on time and resources and can be stressful for staff who have to deal with these complex and challenging issues.

In order to counter this, please note our policy below that deals with persistent and/or vexatious complaints.

We sometimes receive complaints which can be deemed 'vexatious' or 'repetitive'. Some of these complaints can be costly to handle, and responding to them may take up a disproportionate amount of our staff's time.

Deciding whether a complaint is vexatious requires us in each case to take into account the context and history of the complaint. We will consider whether the complaint is likely to cause unjustified distress, disruption or irritation. In particular, we will consider the following issues:

- could the complaint fairly be seen as obsessive?
- is the complaint harassing or causing distress to our staff?
- does the complaint appear to be designed to cause disruption or annoyance?

- does the complaint lack any serious purpose or value?

The concern we will address is whether a complaint is vexatious in terms of the effect of the request on us and not whether the applicant is personally vexatious.

By its ordinary meaning, the term ‘vexatious’ refers to action that is “causing or tending to cause annoyance, frustration, or worry”.

For a complaint to be vexatious, we will consider whether there is a proper or justified cause for it. We will not only examine the complaint itself, but also its context and history. That context may include other complaints made by the complainant to us (whether complied with or refused), the number and subject matter of the complaints, as well as the history of other dealings between the complainant and The Shires. The effect a complaint will have may be determined as much, or indeed more, by that context as by the complaint itself.

We will take into consideration the following factors (which are not an exhaustive list) when determining whether a complaint is vexatious:

- where the complaint requests information which has already been provided
- where the nature and extent of the complainant's correspondence with us suggests an obsessive approach to disclosure
- where the tone adopted in correspondence by the complainant is confrontational and/or haranguing and demonstrates that the purpose is to argue and not really to obtain information
- where the correspondence could reasonably be expected to have a negative effect on the health and well-being of our staff/young people/adult residents
- where the complaint, viewed as a whole, appears to be intended simply to re-open issues which have been disputed several times before, and is, in effect, the pursuit of a complaint by alternative means
- where responding to the complaint would likely entail substantial and disproportionate financial and administrative burdens for us
- where it is not a one-off complaint, but a case of the same complaints having been made repeatedly, or where on repetition, the particulars of the complaints have been varied making it difficult to know exactly what the complainant is seeking and making it less likely that the request can be satisfied

No single one of the above factors would lead to a finding, by itself, that a complaint was vexatious. However, based on the strength of the various factors, taken together with the history and context of a complaint, a complaint may be deemed vexatious by The Shires.

It is important of course that all complaints from a single source should not be deemed vexatious just because some may have been so previously. This is particularly the case if, on the face of it, the complaint seems to be specific, stand alone and straight forward. However, it is entirely appropriate and necessary, when considering whether a complaint is vexatious, to view that complaint in context - if, say, the complaint is part of a wider grievance against The Shires and is, for example, inextricably linked to an individual's quest to hold The Shires to account for perceived shortcomings.

Complaints can sometimes become a vehicle for individuals to try to reopen previous issues. Although we recognise that people are not always satisfied with the responses they receive, the raising of complaints is not a panacea for problems that have not been resolved through other channels. Continued complaints after the underlying complaint has been addressed, go beyond the reasonable pursuit of resolution.

## Appendix One

Record of complaints received by The Shires at Oakham:

December 2015 – September 2016	0 complaints received
October 2016 – November 2017	3 complaints received