



**ruskinmill**  
clervauxgardenschool

# Complaints Policy and Procedure

### **Context & Philosophy**

Ruskin Mill Trust provides students with holistic learning by role modelling positive relationships in the fields of arts, crafts, commerce, agriculture, nutrition, living skills and the environment with pathway support onto further education bespoke to the individual student.

Since 1987, the Trust has developed its unique brand of expertise working with young people with complex behaviour, and learning difficulties and disabilities including the autistic spectrum and conditions. Our provisions offer both day and residential placements and we accept admission applications all year round.

Clervaux Garden School is a unique and exciting school. Nestled on our 100 acre biodynamic farm, our Steiner-inspired holistic curriculum provides the skills, experience and character necessary for young people aged 10-19 years old with complex needs to flourish and thrive in modern society. Our school is a place of therapeutic learning and growing which brings together hand, heart and head to support personal development and progression

### **Our Vision**

That each individual has the potential to shape their own future through experiencing meaningful relationships with universe, earth and people.

### **Our Values**

We value inclusive learning and living activities that integrate practical activity, thinking and our emotions.

We value mutual respect and we strive to understand all people's differences and uniqueness.

We value the capacity for re-imagination present in all people, towards positive change and development.

We value openness, goodwill, tolerance and treating individuals with dignity and respect.

Signed:



Helen Kippax  
Board of Trustees

Date:  
31<sup>st</sup> May 2019



Gavin Copland  
Executive Headteacher

Date:  
31<sup>st</sup> May 2019

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## 1) **POLICY:**

### **The difference between a concern and a complaint?**

A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought. Whereas a complaint is an expression of dissatisfaction about something that happens at Ruskin Mill Trust (the Trust) or any of its Provisions or subsidiary companies, or about something that anyone working with the Trust has done. It can be made by any person, internal or external, about the Trust's action, lack of action or quality of service. Sometimes, different procedures are used to follow up specific expressions of concern or dissatisfaction. Please see the section below on Scope for a brief description of the Grievance and Whistleblowing procedures.

Throughout this document the term the Trust will refer to Ruskin Mill Trust, any of its provisions and subsidiary companies.

### **A) Overview of the policy:**

The Trust supports the rights of every student, member of staff, partner organisation or member of the public to raise issues or make complaints about our work. The Trust believes that complaints are a valuable means of getting feedback about what we do and how we do it and that they help us to assess and improve our services.

This document details the way in which complaints can be made and the procedures that the Trust will follow for investigating them and putting things right where they have gone wrong.

The purpose of this document is to:

- Ensure that the Trust has effective procedures to investigate complaints and that, in doing so, it treats everyone fairly, openly and equitably.
- Ensure that complaints are investigated with minimum delay.
- Ensure that those making a complaint know how to do this and are fully supported in doing so.
- Ensure that those responding to a complaint or are the subject of a complaint are fully aware of the procedures and their own rights.
- To establish a system for learning from feedback, both immediately and also in the longer term.
- Clarify the circumstances for which use of this policy is not appropriate.

### **B) Scope of the policy:**

The following are out of the scope of this policy and are covered in other Trust policies and guidance:

- Safeguarding concerns or issues relating to children or vulnerable adults. How to respond to these is outlined in the Trust's Safeguarding Policy and Procedure.

- Allegations of abuse. Procedures for responding to allegations about abuse are also outlined in the Trust's Safeguarding Policy and Procedure.
- Grievances raised by staff members. Grievances are 'concerns, problems or complaints that employees raise with their employers' (ACAS Code of Practice on discipline and grievance procedures). The kind of issues that may cause grievances include: terms and conditions of employment, health and safety, work relations, bullying or harassment, new working practices, working environment, organisational change, discrimination. Details of how staff members should raise a grievance are laid out in the Trust's Grievance Policy and Procedure.
- Whistleblowing. The term "whistleblowing" is most commonly used to describe the disclosure of a wrong-doing within an organisation by an employee or ex-employee. Officially this is called 'making a disclosure in the public interest'. Details of the Trust's procedures in respect of staff members, or ex-staff members making such a disclosure can be found in the RMT Whistleblowing Policy and Procedure.

### **C) Key responsibilities:**

#### ***The RMT Executive Team (ET), on behalf of the Trustees, will***

- Monitor and review the Complaints' Policy bi-annually
- Receive termly statistical reports analysing trends and detailing any issues arising and recommendations to be addressed
- Make key decisions following recommendations made in response to complaints. Ensure that the complaints policy and procedures are communicated, understood and applied, including training for key staff relating to the policy and procedure
- Establish record keeping systems to capture and track information related to complaints.
- Provide an annual report to the Trustees on their findings

#### ***The Leader of each of the Provisions (CGS Executive Headteacher) will***

- Ensure that this policy and these procedures are followed effectively in their Provision
- Provide termly reports to the ET about all complaints received. This includes analysis of issues and trends, monitoring of standards, issues arising, actions taken and recommendations to be addressed
- Establish record keeping systems to capture and track information related to complaints involving students.

#### ***Staff of the Trust are expected to***

- Become familiar with the policy and procedures and to put the procedure into practice
- Ensure that all complaints, including those made by students or others on their behalf, are reported according to the complaints procedure to the Provision Leader within one working day of receiving it
- Ensure that all complaints, actions and resolutions are recorded appropriately in accordance with this guidance.

### **Students**

- Are able to raise any queries or complaints, both major and minor, about their education or residential care with their tutor/teacher, learning assistant/support worker, residential support worker, Head of Residential/Care or any other member of staff if they would prefer
- Will be provided with appropriate support to pursue their complaint, including being supported by an appropriate staff member, by their parent or carer or by a supportive friend who can act as their advocate.

### **The principles on which the policy is based:**

This policy, together with a summary document, the Public Guide to the Trust's Complaints Policy and Procedure, will be available on our website and on request to parents or carers, prospective and to current students, students or service users (hereafter referred to collectively as students) at any of the Trust's provisions. It is also available for employees, volunteers and external complainants including placing authorities and referral agencies.

The Trust will respond and act openly and objectively in relation to all complaints received. Faced with criticisms or complaints, we will be impartial and we will not be defensive. The Trust seeks to act fairly, not to apportion blame, but to identify problems or weaknesses, to address these and to identify remedies and improvements.

We recognise that local residents, retailers, providers of facilities, contractors and suppliers of services to the Trust may wish to make complaints about the Trust's activities or the conduct of its staff or students. This complaints policy and procedure is open to them all and applies equally to external complaints.

We recognise that all students in any of the Trust's Provisions, their parents and carers have the right to complain formally for themselves or on behalf of a student to the Trust and/or to the relevant local authority or other funding or placing authority and/or to regulatory authorities. We will provide details of how they may contact funding bodies, regulatory authorities and the relevant local authority

The Trust will treat those who complain or are the subject of a complaint with sensitivity. We will not take any form of punitive action against students or members of staff or others making a complaint unless it is found to be malicious.

The Trust will treat both those who complain and those who are the subject of a complaint with dignity and respect, equally irrespective of race, ethnic origin, gender, marital or parental status, sexual orientation, religion or belief, disability, age or political belief.

Persistent or serial complaints which the Trust considers to have already been thoroughly investigated and about which appropriate action has been taken to remedy the situation, will not be pursued. However, should circumstances change or new information emerge in connection with the case, the investigation may be re-opened.

## **2. THE PROCEDURES**

When someone complains about something that happens at or in relation to any of the Provisions operated by the Trust or its subsidiary companies and Trusts, a four stage process

will be used to make sure the complaint is dealt with appropriately and that an acceptable resolution is found in a suitable period of time. Where the complaint is about any of the central services operated by the Trust a separate procedure is followed. This is outlined later in this document. The four stages are as follows:

- **Stage 1: Informal.** This is where the complainant discusses the situation they wish to complain about with someone at the Provision who has the necessary seniority to reassure the complainant that their concern is taken seriously and that something will be done to address the issues raised. If the complainant is not satisfied with the response they receive at this Stage, their complaint will be raised to Stage 2.
- **Stage 2: Provision based investigation.** This is where the complaint is set out in writing and the Provision Leader will ensure that the matter is investigated by a senior member of the Provision's staff. Where the complaint is about the Provision Leader, then the Director of PSTE will ensure that the issue is investigated. If the complainant is not satisfied with the written response they receive to their complaint, a Stage 3 procedure will follow.
- **Stage 3: Investigation carried out on behalf of the RMT Trustees.** This is where the complaint sets out in writing their dissatisfaction with the outcome of the Phase 2 complaint procedure. On behalf of the Trustees the RMT Executive Team will appoint a senior staff member of the Trust who has not previously been involved in the complaint, or an external consultant, to investigate. If the complainant is not satisfied with the written response they receive to their complaint, a Phase 4 procedure will follow.
- **Stage 4: Investigation before a Trustees' Panel.** Details of the panel hearing procedures are laid out below. The findings of the panel are final.
- Good practice notes in relation to investigations can be found at Appendix 2

**Stage 1: Informal.** This is where the complainant discusses the situation they wish to complain about with someone at the Provision who has the necessary seniority to reassure the complainant that their concern is taken seriously and that something will be done to address the issues raised. If the complainant is not satisfied with the response they receive at this Stage, their complaint will be raised to Stage 2.

**Stage 2: Provision based investigation.** This is where the complaint is set out in writing and the Provision Leader will ensure that the matter is investigated by a senior member of the Provision's staff. Where the complaint is about the Provision Leader, then the Director of PSTE will ensure that the issue is investigated. If the complainant is not satisfied with the written response they receive to their complaint, a Stage 3 procedure will follow.

**Stage 3: Investigation carried out on behalf of the RMT Trustees.** This is where the complaint sets out in writing their dissatisfaction with the outcome of the Phase 2 complaint procedure. On behalf of the Trustees the RMT Executive Team will appoint a senior staff member of the Trust who has not previously been involved in the complaint, or an external consultant, to investigate. If the complainant is not satisfied with the written response they receive to their complaint, a Phase 4 procedure will follow.

**Stage 4: Investigation before a Trustees' Panel.** Details of the panel hearing procedures are laid out below. The findings of the panel are final.

Good practice notes in relation to investigations can be found at Appendix 2

### **A) Procedures at Stage 1: Informal**

The person receiving the complaint will contact a member of the Provision's Senior Management Team (SMT). The Provision's SMT will ensure that a senior staff member makes contact with the complainant and arranges actions to help to understand the reasons the complaint has been made and to work towards a resolution. The senior staff member working with the complainant will make sure that the complaints log is kept up-to-date with details of the complaint and action taken to resolve it. They will also keep the Provision leader and the SMT fully informed of the progress of resolving the complaint.

The senior staff member responsible for following up the complaint will contact the complainant one week after they believe the matter has been resolved to check that the complainant is satisfied with the actions taken. Where the complainant is not satisfied with the actions taken will in writing ask them to make a written complaint addressed to the relevant Provision leader within 7 calendar days outlining their complaint and the reasons they are not satisfied. This will form the basis of the Stage 2 procedure.

Appendix 1 shows the Complaints Log Entries that must be maintained and the timings for those entries.

### **B) Procedures at Stage 2: Provision based investigation**

Following receipt of the written complaint the Provision Leader will review the complaint and the stage 1 log. The Provision leader will appoint a senior member of the Provision's staff to carry out an investigation of the complaint. The investigating officer will write to the Complainant within 7 calendar days of the letter being received by the provision, and will communicate with the complainant on a weekly basis. Copies of all communication will be kept in the complaints log (See Appendix 1 for more details).

The senior staff member allocated to investigate the complaint will not have been actively involved in looking into the complaint during the Stage 1 procedure.

Where the complaint is about the Provision Leader, then the Director of PSTE will ensure that the issue is investigated by an appropriate senior member of staff from across the Trust's Provisions.

When the investigation has been completed, the Provision Leader (or the Director of PSTE if the complaint is about the Provision Leader) will write to the complainant and explain the investigation outcomes and any actions that have been or will be taken as a result.

If the complainant is not satisfied with the written response they receive to their complaint, they should put this in writing within 14 calendar days of receipt of the outcome letter. This letter should be sent to the Company Secretary, Ruskin Mill Trust, Old Bristol Road, Nailsworth, Gloucestershire, GL6 0LA outlining why they are not satisfied and a Stage 3 procedure will follow.



While investigation is taking place the Provision leader will ensure that staff members in the provision continue to work actively with all staff and students in a manner that promotes their wellbeing and safety.

### **C) Procedures at Stage 3: Investigation carried out on behalf of the RMT Trustees**

If a Stage 3 complaint is received within the required timelines

On behalf of the Trustees, the RMT Executive Team will appoint a senior staff member of the Trust who has not previously been involved in the complaint, or an external consultant, to investigate. The investigating officer will write to the Complainant within 14 calendar days of the letter being received by the Company Secretary, and will communicate with the complainant on a weekly basis. Copies of all communication will be kept in the relevant complaints log (See Appendix 1 for more details).

While the stage 3 procedures are taking place the relevant Provision Leader, working in close collaboration with the Director of PSTE, will ensure that actions are taken to promote the wellbeing and safety of all students and staff at the Provision.

When the investigation has been completed, the Company Secretary will write to the complainant and explain the investigation outcomes and any actions that have been or will be taken as a result.

If the complainant is not satisfied with the written response they receive to their complaint, they should put this in writing within 14 calendar days of receipt of the outcome letter. This letter should be sent to the Company Secretary, Ruskin Mill Trust, Old Bristol Road, Nailsworth, Gloucestershire, GL6 0LA outlining why they are not satisfied and a Phase 4 procedure will follow.

### **D) Procedures at Stage 4: Investigation before a Trustees' Panel**

Where a complainant remains dissatisfied, a panel hearing will be arranged by the Company Secretary of Ruskin Mill Trust. Details of the panel hearing procedures are laid out below. The findings of the panel are final.

While the stage 4 procedures are taking place the relevant Provision Leader, working in close collaboration with the Director of PSTE, will ensure that actions are taken to promote the wellbeing and safety of all students and staff at the Provision.

Stage 4 of the RMT complaints procedures involves a hearing before a panel which will consist of at least three people who are not directly involved in the matters detailed in the complaint. Of these individuals, at least one will be independent of the management and running of the Trust. The Chair of Trustees is responsible for the appointment of the panel.

The complainant will be invited to attend the panel hearing. The complainant may be accompanied at the panel hearing by a friend or advocate if they so wish.

There will be at least two weeks' notice for the panel hearing.

The panel will make findings and recommendations. A copy of these findings and recommendations will be made available (by letter and email) to the complainant, the Provision leader (if appropriate), the ET and the Chair of the Board of Trustees. Where relevant, findings and recommendations may be given to the person complained about.

The outcome of the panel is final. Should the complainant remain dissatisfied they will be provided with contact details for the relevant statutory agencies. These include, but are not restricted to, the Director of Children's or Young People's Services in the relevant local authority, the Department for Education, the Education Funding Agency, the Department for Health, Ofsted or Estyn, the Care Quality Commission (CQC) for provisions in England or Care and Social Services Inspectorate Wales (CSSIW) for provisions in Wales, and The Charity Commission for England & Wales.

#### **E) Procedures regarding complaints in respect of the RMT Central Services**

Where a complainant wishes to make a complaint in relation to any of the RMT Central Services they should take the following action

- If they have an existing relationship with any of the RMT Provisions they should contact the Provision Leader who will ensure that the complaint is investigated using the appropriate Stage of these procedures.
- In all other instances the complainant should contact the RMT Company Secretary who will ensure that the complaint is investigated using the appropriate Stage of these procedures.

#### **F) Timeframes and exceptions to cut-off timeframes**

In all cases we would expect a complaint to be made as soon as possible after an incident arises. Where there is a cut-off timeframe, the Trust will always consider whether there should be an exception to this timeframe.

#### **G) Amendments to this policy**

This Complaints Policy and Procedure may be amended, withdrawn, suspended or departed from at the discretion of the Trust. While it does not form part of any employee's contract of employment and is entirely non-contractual, all employees are required to adhere to the policy and any failure to comply with any aspect of the policy may be treated as a disciplinary matter.

## **Appendix 1 – Complaints Log Entries**

Each RMT Provision will maintain a log where details of all complaints or concerns raised in relation to that Provision will be held. The following details will be captured for the log and filed by the Administration Manager or Administrator:

This log should be reviewed by the Provision Leader on a regular basis and a formal report produced of findings

### **Complaints Log Entries at Stage 1**

#### ***Initial stage 1 log entry***

- Date and complaints log reference number (xxx, stage 1)
- Person receiving the complaint: name, role in the Trust, contact details
- Person making the complaint: name, relationship to RMT, contact details including preferred means of contact
- Very brief outline of the matter complained about
- Any suggestions the complainant has for putting things right
- Whether the issue has been reported to the Trust on a previous occasion
- Provision's senior staff member who is responsible for following up the complaint.

#### ***Subsequent stage 1 log entries***

- Date and log reference
- Action taken. This might include attempts at negotiation, arbitration and mediation to resolve the complaint. At least one action must be recorded each week following the initial complaint being logged. At the very least this must be a message to the complainant to let them know that the issue is being followed up.

#### ***Final stage 1 log entry***

- Date and log reference
- Resolution of the complaint. This must refer to the action taken by the senior member responsible and the response of the initial complainant
- Where the complainant is not satisfied with the actions taken, they will be asked to make a written complaint addressed to the relevant Provision leader. This will form the basis of the Stage 2 procedure.

The Provision Leader will regularly review the log of stage 1 complaints and will report each term to the ET of the Trust on the number of stage 1 complaints received and how these have been resolved.

## **Complaints Log Entries at Stage 2**

### ***Initial Stage 2 log entry***

- Date and complaints log reference number (xxx, stage 2). Person appointed by the Provision Leader to investigate the complaint: name, role in the Trust, contact details
- Person making the complaint: name, relationship to the Trust, contact details including preferred means of contact
- Very brief outline of the matter complained about
- A copy of the complainant's written complaint
- Any suggestions the complainant has for putting things right
- Whether the issue has been reported to the Trust on a previous occasion
- A brief outline of the actions taken at stage 1

### ***Subsequent stage 2 log entries***

- Date and log reference
- Copy of the message to the complainant indicating who will investigate the complaint. This will be sent by email and post to the complainant within 14 calendar days of the complaint in writing being received
- Copies of messages sent to the complainant at least weekly to reassure them that the investigation is under way.

### ***Final stage 2 log entry***

- Date and log reference
- Outcome of the investigation. This will include recommendations from the staff member investigating together with actions the Provision Leader agrees that the Provision can make
- Resolution of the complaint. This must identify the response of the initial complainant
- Where the complainant is not satisfied with the actions taken, escalation to a stage 3 procedure

### **Complaints Log Entries at Stage 3**

#### ***Initial Stage 3 log entry***

- Date and complaints log reference number (xxx, stage 3). Members of the Trustee's panel who are employed by the Trust, their roles and contact details Members of the Trustee's panel who are independent of the running and management of the Trust Person making the complaint: name, relationship to the Trust, contact details including preferred means of contact
- A copy of the complainant's written complaint, together with any statement they may wish to add following the Stage 2 investigation
- Any suggestions the complainant has for putting things right
- Whether the issue has been reported to the Trust on a previous occasion
- A brief outline of the recommendations and subsequent action in relation to the Stage 2 investigation

#### ***Final stage 3 log entry***

- Date and log reference
- Minutes of the proceedings of the panel hearing
- Findings and recommendations of the panel hearing
- Actions taken in response to the findings and recommendations of the panel
- A copy of the report submitted by the investigating officer to the ET and the Board of Trustees detailing how the issues complained about have been resolved and the lessons the Provision and the Trust have learned during the course of the investigation into the complaint.
- A copy of the letter written by the Company Secretary on behalf of the RMT Trustees, to the complainant outlining the outcome of the investigation.

## **Complaints Log Entries at Phase 4**

### ***Initial Phase 4 log entry***

- Date and complaints log reference number (xxx, Phase 4).
- Members of the Trustee's panel who are employed by RMT, their roles and contact details
- Members of the Trustee's panel who are independent of the running and management of the Trust
- Person making the complaint: name, relationship to RMT, contact details including preferred means of contact
- A copy of the complainant's written complaint, together with any statement they may wish to add following the Phase 3 investigation
- Any suggestions the complainant has for putting things right
- Whether the issue has been reported to the Trust on a previous occasion
- A brief outline of the recommendations and subsequent action in relation to the Phase 2 investigation

### ***Final Phase 4 log entry***

- Date and log reference
- Minutes of the proceedings of the panel hearing
- Findings and recommendations of the panel hearing
- Actions taken in response to the findings and recommendations of the panel
- A copy of the report submitted by the investigating officer to the ET and the Board of Trustees detailing how the issues complained about have been resolved and the lessons the Provision and the Trust have learned during the course of the investigation into the complaint.
- A copy of the minutes of the Trustee's panel.
- A copy of the letter written by the Company Secretary on behalf of the RMT Trustees, to the complainant outlining the outcome of the panel's investigation.

## **Appendix 2 - Good practice for those investigating a complaint**

The investigator should check the log and files to determine whether previous complaints have been made about the matter in question or by the person involved. If appropriate, the investigator should also refer to information held on individual student files.

Following acknowledgement of receipt of the complaint, or at the same time, the investigator should contact the individual to arrange a meeting or telephone conversation in order to discuss the complaint in more detail. This will include:

- Clarifying the details of the complaint, including checking understanding of its nature
- Clarifying the individual's requirements for an acceptable outcome
- Checking whether the individual needs support of any kind
- Explaining the investigation procedure

The investigator should brief themselves and/or take advice from an appropriate senior member of staff on the relevant legal, policy and procedural background to the complaint.

Establish the sequence of events, names of staff and others directly involved and obtain copies of Log Book notes, correspondence etc.

Carry out interviews with those involved where necessary. Staff and students being interviewed have a right to be accompanied by someone not acting in a legal capacity.

If at any time the investigator believes that the complaint may lead to allegations of wrong doing or abuse, the complaint should be discussed with the Provision leader or the Director of PSTE in order to ensure that the correct procedures are followed.

At the end of the interview, summarise the main points and ask whether the interviewee has anything to add. Explain the next stages in the process.

Ensure that all who are involved are kept informed of progress.  
Ensure that all necessary documentation is stored securely.