

Complaints Policy

Shooters Hill Sixth Form College HR Review September 2016

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Accountability:	Governing Body
Responsibility:	Governing Body

COMPLAINTS – POLICY

Introduction

This college aims to be a caring, positive and supportive place where young people can learn and receive high quality education. College staff are committed to ensuring that the college community feels valued and respected as individuals. We have good transparent communication and a willingness to listen to our children and parents/carers including when they are raising an initial concern or formal complaint. This policy sets out the procedures for dealing with situations where there is a formal complaint or an initial concern from a complainant about an aspect of a child's education and/or experience at college.

This policy will ensure that the college manages initial concerns and formal complaints appropriately, in a timely and transparent way and in a manner that complainants will consider to be fair and objective. In order to investigate your complaint as fully as possible the GB has a staged process.

Resolving Initial Concerns and Complaints:

This policy makes a clear distinction between a 'concern' and a 'complaint'.

A concern is an expression of worry of what may appear to be a very low level issue. It is important to deal with a concern seriously at the earliest stage in order to reduce the likelihood of it developing into a complaint. A matter should be viewed as a concern if it is capable of being resolved locally, is not in writing and does not require a formal written response.

A complaint is a formal expression of dissatisfaction; is in writing and will need a formal written response. The college must deal with any matter as a complaint when the person raising the matter requests it at any point or when informal attempts to resolve the concern have been exhausted and the person who raised the concern remains dissatisfied.

What we will do:-

- Encourage resolution of problems by informal means wherever possible
- Ensure that every member of our college staff understands the importance of listening to the college community
- Ensure that all college staff are aware of this policy and their role should a complainant approach them with an initial concern/complaint
- Ensure that all complaints/ initial concerns are taken seriously at the earliest stage and that all points of the complaint/initial concern are considered
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- If all attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further - the formal procedure will be invoked

- If the complainant remains unhappy with the outcome, the Principal will arrange to meet and discuss the complaint/concern. They will review the actions taken to date and the reasons why things are still not resolved.
- Allow swift handling with established time limits for action and keeping all parties informed of the progress of the investigation.
- If the Principal is unable to resolve the issue to the satisfaction of the complainant, they will be informed that they have the opportunity to make the complaint formal. We will ensure that the complainant is advised of the process and is given this policy and the parental guidance leaflet.
- We will ensure that the guidance leaflet is written in a way which is accessible and clear, that it is available on our college website and as a paper copy from the college office.
- We will ensure that the individual's confidentiality is respected.
- We will ensure that the formal process is followed fairly and in line with this policy and that the chair/investigating officer will receive any paperwork and evidence which has been gathered during the informal stage and that if necessary they are given the opportunity to speak to any members of staff.
- We will ensure that there is a room available in the college for the investigating officer to meet the complainant and any member of staff. All paperwork pertaining to the complaint will be available, signed and dated.
- Ensure that the complaints panel is convened and an appropriate room will be made available for the meeting and if necessary, a further room for any witnesses to wait.

Our staff will seek to learn from the process and ensure that any mistakes or weaknesses are used to improve our practices for delivery of high standards of education to all pupils and the care we offer at the college.

We will ensure that the complainants are confident that we will continue to work with them positively during the process, and that any pupils are not penalised in any way because of the complaint.

Equal Opportunities.

Our college values all our children, staff and parents/carers. We celebrate diversity and will not tolerate any forms of discrimination. We are committed to using our policies to ensure that our college has an ethos of openness, fairness and excellent communication.

What this policy does not cover

The complaints policy does not cover admissions, exclusions, curriculum concerns, religious education and collective worship or special educational needs and disability. These areas are covered by other processes.

Roles and Responsibilities

The GB will:-

- Ensure that the college has a policy and procedure in place to deal with all complaints relating to their college.
- Ensure that the policy is reviewed every two years

- Will receive a report from the Principal termly at FGB. They will use this data to evaluate the effectiveness of the policy/procedure and if required review the policy/procedure in advance of the review date.
- Will ensure that all members of the college community are fully aware of the expectations of this policy and ensure that if they are approached as an individual by a complainant regarding a concern they will signpost the complainant to the relevant member of staff.
- We will respect the complainant's desire for confidentiality and remain impartial
- We will monitor the nature and level of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.

The Principal or other senior member of staff will:-

- Ensure that all staff are aware of the policy and the procedures they will follow should a complainant approach them with an initial concern or complaint and that it is properly recorded.
- Ensure that all complaints are dealt with fairly and objectively and within the agreed timescales set out in the complaints procedure
- Report annually to GB with statistical data relating to all complaints received, so if required, services can be improved.

All our staff will:-

- Ensure that they are confident in their understanding of what the expectations are if a complainant approaches them with an initial concern or complaint.
- Endeavour to resolve any issues at the first point of contact
- Will ensure that they inform the Principal (or other senior member of staff) that they have been approached with a complaint.

Suggested College Complaints Procedure

There are four stages available to a complainant.

Stage 1 (informal); initial concern heard by staff member

Stage 2 (informal); concern heard by the Principal

Stage 3 (formal); written complaint received by clerk to the GB or Chair of GB

Stage 4 (formal); complaint heard by GB's complaint's panel.

1. In most cases the complainant should approach the member of staff concerned to discuss the matter informally. It is essential that all staff know there is a complaints policy and how they should respond to a complainant. If the policy is managed effectively at this stage, the majority of concerns can be resolved at this early stage.

2. If the complainant feels that the matter is not resolved or feels unable to discuss it with the staff member, she/he should then discuss it with the Principal or other designated senior teacher. The college office must understand that if a request is made for a complaints leaflet, it should be managed quickly.

3. If the matter remains unresolved, or if the complaint is about the Principal, the complainant should write to the Chair of Governors (or designated governor), care of the college, setting out the complaint and the attempts made to resolve it. The Chair (or designated governor) will then investigate the matter and respond to the complainant in writing. In a voluntary aided college the Diocese or religious organisation may also be able to help.

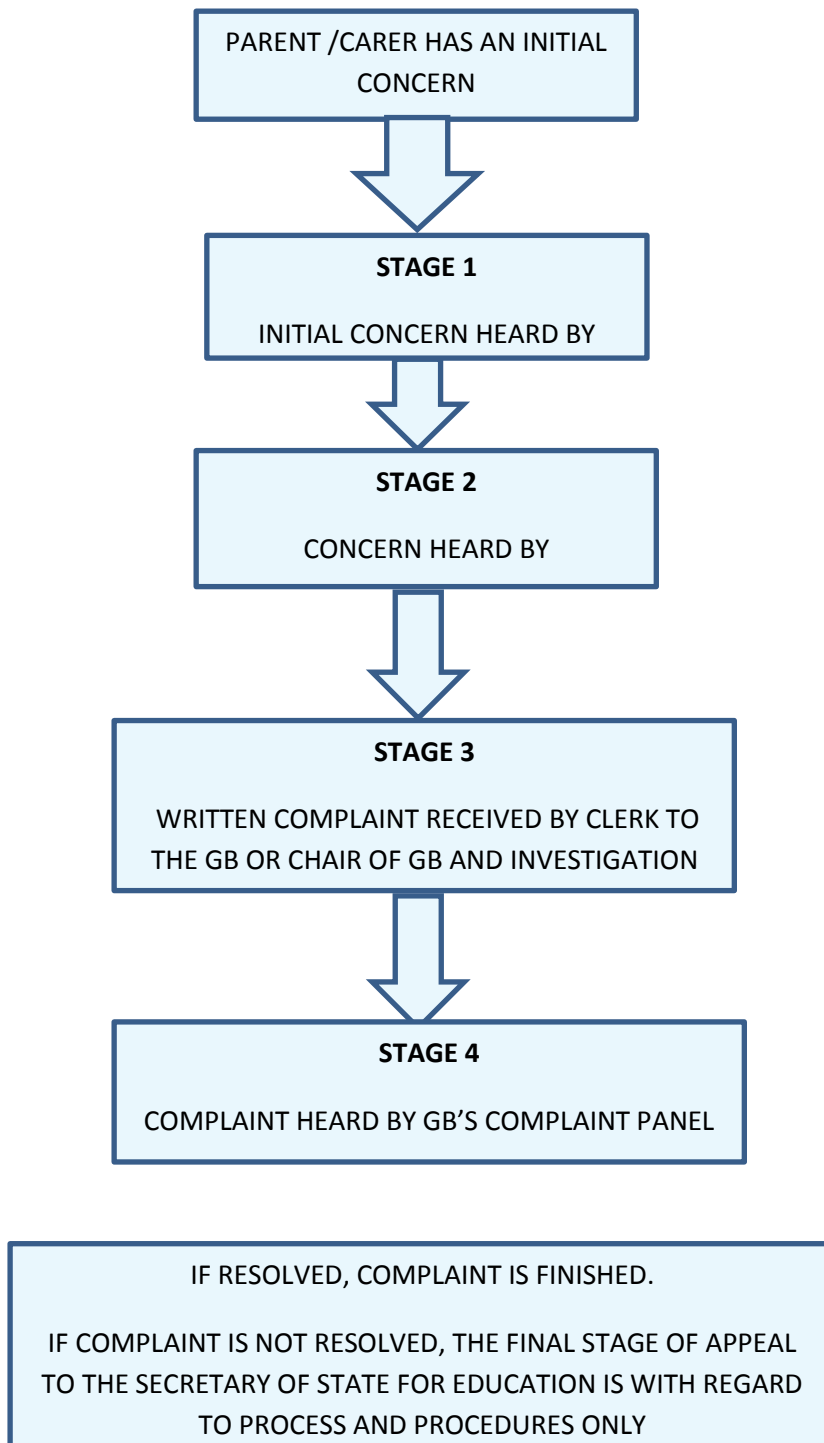
4. If the complainant remains dissatisfied, she/he should write to the Chair or Clerk to the governing body requesting that a panel of governors is convened to hear the complaint. The panel will make a definitive and final response on behalf of the college that is binding upon the Chair of Governors and Principal. A swift response to their concerns will assure the complainant that their college is following a fair and transparent process. Letters must be sent within 10 college days.

Should this full procedure fail to lead to a resolution of the issues in the complainant's view, she/he can write to the Secretary of State for Education. The only situation where the DfE is likely to become involved, however, is where the GB is judged to have acted unreasonably or has failed to fulfil its statutory responsibilities by not following their own policy. Internal college matters are not in the Secretary of State's remit.

The Local Authority has no statutory power to intervene in such issues beyond giving advice or making recommendations. There is no right of appeal to the Director of Children's Services or to Members of the Council. A final stage of appeal is to the Secretary of State for Education.

FLOW CHART FOR COMPLAINTS

(Please refer to the following guidance procedure)



Procedural Guidelines for Each Stage (please refer to the flowchart)

Informal Stage – a concern is raised

STAGE 1. INFORMAL STAGE – *Initial Concern raised with Staff Member*

The staff member will give the complainant her/his undivided attention for a reasonable period at an agreed meeting time in order to listen and respond to the concern. If the staff member is unable to do so immediately, she/he will offer the complainant an appointment as soon as possible within 3 college days. If the staff member subsequently needs to investigate the issue before responding, she/he will inform the complainant and state when a response should be available; this should be within 3 college days.

If it proves impossible to meet this deadline, the staff member will contact the complainant and explain the reasons for the delay and give a further time limit for their response. The staff member should consider the advisability of asking a third person to be present, and is encouraged to speak with their line manager. The response to the complainant should include actions and timelines and a further meeting to check that issues are now resolved.

If the complainant is dissatisfied, at this stage, the College should refer the complainant to the appropriate person and advise them about the procedure.

STAGE 2. INFORMAL STAGE - *Meeting with the Principal or other senior staff*

Upon receiving the complainant's request for a meeting, the Principal will offer an appointment within 5 college days. If the Principal subsequently needs to investigate the issue before responding, she/he will inform the complainant and state when a response should be available; this should be within 5 college days. If it proves impossible to meet this deadline, the Principal will contact the complainant and explain the reasons for the delay and give a further time limit for their response.

The Principal will inform the complainant that should she/he remain dissatisfied, she/he has recourse to the GB and should write to the Chair of Governors within 10 college days. For further guidance regarding the role of the Principal please refer to appendix A.

STAGE 3. FORMAL STAGE – *Written complaint received by Chair of Governor*

Upon receipt of a complainant's letter of complaint, the Chair of Governors will write to the complainant within 3 working days acknowledging the letter and stating that the matter will be investigated. The Chair will inform the complainant that a full response will be made in writing within 10 college days. If it proves impossible to meet this deadline the Chair will write to the complainant and explain the reasons for the delay and give a further time limit for the full response.

The Chair will send a copy of the college's complaints policy to the complainant with the initial acknowledgement.

The complainant can be offered the opportunity for their complaint to be considered in full by an Investigating Officer (this can be the Chair but does not have to be). The Investigating Officer must ensure that they have access to all documents and statements from the complainant/s and any staff. The Investigating Officer should be given all relevant policies, such as anti – bullying policy, behaviour policy to demonstrate that the college has followed any agreed procedures.

The Investigating Officer must ensure that they build time into their process to speak with any staff concerned and the complainant to gather any further information.

Once the investigation has been completed a report must be prepared, which will set out the Investigating Officer's findings and final decision. The final decision will be one of the following: the original complaint is upheld in full or in part, or the original complaint is overturned in full or in part.

The complainant and Principal should receive the report within 10 working days of the completion of the investigation. The Investigating Officer will also send a covering letter informing the complainant of their right to appeal, if they remain unhappy with the outcome of the investigation for a meeting of the GB complaints meeting. For further guidance on the role of the Investigating Officer please refer to appendix B.

STAGE 4. FORMAL STAGE; Complaint heard by GB complaint's panel.

If the complainant is dissatisfied with the findings and decision of the report from the Chair of Governors (or designated governor) or if the Chair fails to respond as outlined above, the complainant may write to the Chair or Clerk of the GB within a further 10 college days requesting that a panel of governors be convened to hear the complaint. The letter should be acknowledged within 3 college days, and the panel convened to hear the complaint within a further 15 college days. The Clerk should liaise with the complainant to agree mutually convenient times.

Constitution of Panel

The panel will consist of three governors, none of whom have detailed prior knowledge of the complaint or are involved personally in any way. In deciding the makeup of the panel, governors should try to ensure there is a cross section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. It would be unusual for staff governors to be included; however, if they have not been involved and have no prior knowledge of the incident, they can sit on the panel.

The hearing is not a public hearing and will be held in private.

Panel Procedure

The hearing will be formally minuted by the Clerk who will act as an advisor to the panel. A panel member will be appointed as Chair. The complainant may be accompanied by someone of their choosing and should notify the clerk/panel of the name of the individual in advance of the panel hearing.

The panel chair will ensure that the proceedings are informal. The layout of the room will set the tone and care is needed to ensure the setting is not adversarial.

The suggested format of the hearing is as follows:

- Introduction by the Chair who will outline the process
- Complainant outlines their complaint
- Panel members are given opportunity to question complainant
- The Investigating Officer will explain their findings as set out in their report.
- Principal outlines college's response to complaint
- Complainant and panel members are given an opportunity to question the Principal
- Each side may ask witnesses to speak as appropriate

- Complainant and Principal have an opportunity to summarise their case

The Chair will end the meeting. The panel will consider its findings and issue a letter containing its findings and decision to the Complainant and Principal within 10 college days

- The final decision letter must set out the decision of the panel against each point of the complaint. The Panel can dismiss the complaint in whole or in part or uphold the complaint in whole or in part. They can also make a finding on the appropriate action to be taken to resolve the complaint; they can recommend changes to the college's systems and procedures to ensure that problems of a similar nature do not recur.
- The letter, drafted by the clerk on college headed note paper, will be signed by the chair of the panel and sent to the complainant and the Principal within 10 working days. The letter should inform complainant of their further right of appeal, and if so, to whom it would need to be addressed. This would be to the Secretary of State (SoS).
- If an appeal is made to the SoS they will/may ask for all the documentation and a copy of the college policy and procedures for dealing with parental complaints. The SoS would consider whether the governors have complied with their own policy and if the process followed by the college and governing body was fair.

APPENDIX A

THE ROLE OF THE PRINCIPAL

The Principal must ensure that all staff are fully aware of the college complaints policy. It is essential that staff respond appropriately when approached by a complainant with a concern.

If the complainant still feels aggrieved after a meeting or discussion with a member of staff, they should be advised to speak to the college office to arrange a meeting with the Vice Principal or Principal.

During both stages of the complaints process there is an opportunity to offer support and a solution to the complainant. Any agreement or undertaking should be followed up by a letter and the offer of a further meeting to discuss how things have improved and to review the position.

If the complainant feels that they have had regular communication and that their concerns are taken seriously and that all steps are being taken to ensure the matter is being resolved, it is likely the complaint will be resolved at this early stage.

If the complainant is not happy and the process becomes more formal the Principal must ensure that all statements are signed and dated. Teachers' statements must be written in a professional way, which reflect the good management of the college.

The Principal would be expected to be interviewed for the informal stage- Stage 2.

The Principal would be expected to attend the formal hearing.

APPENDIX B

The Role of the Investigating Officer

The Chair of Governors is often the Investigating Officer, but does not need to be.

If the Chair carries out the investigation or nominates another governor to act as the Investigating Officer he/she will not be able to sit on the complaints panel due to having prior knowledge of the matter.

The Investigating Officer should not be a staff governor, or a co-opted member of the staff.

The Investigating Officer must receive all the relevant documentation including the written formal complaint, any statements and evidence already gathered. They must arrange to meet with the Principal and any other staff involved. It is imperative that the complainant is offered a meeting with the Investigating Officer, even if they have already been given a full report of the complaint. If the complainant is not available to meet, they should be offered a telephone conversation. The role of the Investigating Officer is to ensure that everyone involved has an opportunity to explain what they know, and the complainant needs to feel they have had the chance to speak to someone independent of the college staff in order to resolve their complaint.

Once the investigation has been completed, a full report must be written which clearly sets out the findings and decision. This will be that the complaint is upheld in part, or in full, or if the complaint is overturned in full or in part. The complainant and Principal should receive the decision within 10 working days of the completion of the investigation. A covering letter will be sent to the complaint with the report and it will inform the complaint if they are not happy with the final decision of the investigation, they can request a meeting of the governing body complaint's panel.

If the complainant chooses to request a Governors' Panel Hearing, they must write formally to the Clerk to confirm that they are not happy with the outcome and would like a Governor's Panel Hearing to be convened.

APPENDIX C

THE ROLE OF THE CLERK

The Clerk will only become involved in the process if the complainant is dissatisfied with the outcome of the Investigating Officer's investigation.

The complainant will be informed that they must write to the Chair or Clerk within 10 college days of receiving the outcome letter requesting that a panel of governors be convened. The letter should be acknowledged within 3 college days and the panel convened within a further 15 college days.

The clerk will contact the complainant and the chair/Investigating Officer for their available dates and times, the clerk should allow approximately 3 hours for the whole process.

The clerk will contact governors who are able to sit on the panel. (Any governors who have been involved in the complaint at an earlier stage cannot sit on the panel.) The panel must consist of 3 governors. It is good practice for the composition of the panel to reflect the mix of the governing

body, such as a LA governor, a parent governor and a co-opted governor, gender and ethnicity should be considered if possible.

The College and the complainant will send their evidence and relevant documentation to the clerk. The clerk will send a completed bundle of documents to the complainant and the Principal and governors' panel at least 5 days in advance of the meeting.

Any evidence or documentation submitted to the Clerk after the receipt of the final bundle can only be presented at the hearing with agreement from all parties. If evidence is submitted late, the hearing may be adjourned for a short time to allow either party to consider the new evidence.

The clerk must ensure that the complainants, governors and the Principal are clear about the process, so a short meeting with each party is recommended before the hearing.

The clerk must ensure that the college representatives, complainants and, if appropriate, the Investigating officer are all invited into the meeting room at the same time. All parties must remain in the room together so if someone needs to leave, the meeting must be adjourned.

The clerk will prepare a short agenda for the meeting; an example of an agenda is:

DRAFT AGENDA

1. Introductions and Welcome by the chair of the panel
2. Chair to confirm that all parties have received the paperwork (bundle of documents) in advance and that they have had an opportunity to read the documents;
3. Chair sets out the process and the ground rules, such as treat each other with respect and courtesy and no use of inappropriate language;
4. Complainant sets out their complaint to the panel and why they are not content with the outcome of the Investigating Officer investigation;
5. The college representatives (Headteacher/Principal or the Investigating Officer) and governors have an opportunity to ask questions;
6. The college representatives explain the actions they have taken, and the reasons for decisions made.
7. Complainant and panel members have an opportunity to ask questions;
8. The chair will confirm with all parties that they have every opportunity to make their case and ask questions
9. The chair will ask the complainant and the college representative to sum up their case.
10. The chair will inform the complainant and college representatives that they will receive a decision letter within 10 college days and ask them to leave the room
11. The panel deliberates

The clerk will minute the meeting formally. A copy of the minutes will be checked and approved by the Chair of the panel. The clerk will send the decision letter to the complainant setting out the findings and final decision. The letter will also contain the complainant right of appeal to the Secretary of State should they remain dissatisfied with the Panel's decision

APPENDIX D

The Panel Meeting Process

The panel should be made up of 3 governors who have no prior knowledge or involvement of the complaint. It is good practice to try and ensure that the committee is made up of the different categories of governors on the governing body, and that consideration be given to gender and ethnicity.

The date of the meeting needs to be arranged by the Clerk after discussion with the panel, the complainant and any college staff who may be called as witnesses. The complainant must receive a confirmation letter explaining when and where the meeting will be held, advice that they are able to bring a friend/family member to support them and that any papers they wish to have considered must be sent to the Clerk for circulation in advance of the meeting. The complainant can choose to bring their child with them and he/she can speak or answer questions, in exceptional circumstances. This should be decided on a case by case basis. It is recommended that witness statements are used so as not to put a child through the process of giving evidence. It is strongly recommended that if the child is below Year 4, the complainant does not bring them to a hearing; however, a written statement can be received. The complainant, Headteacher/Principal/Chair Investigating Officer and panel must all receive the same papers. The panel meeting is a private meeting and not held in public. This should take place in a room where privacy is ensured and can accommodate all the parties and any representatives comfortably.

The Clerk will recommend the panel of governors to meet 15 minutes in advance of the published start time. The Clerk will ensure that the governors understand their role and to confirm who the chair of the panel will be.

The Clerk will meet with the complainant in advance of the meeting to explain the process.

The Clerk will ensure that the complainant, Headteacher/Principal, Investigating Officer will all enter the meeting room at the same time.

The Chair of the panel will welcome everyone and introductions are made. The chair will explain the process and agenda for the hearing.

The Investigating Officer/Principal will be asked to explain how they conducted the investigation and what the outcome was. The governors' panel and complainant have an opportunity to ask questions. The complainant will explain why they are not happy with the findings of the Investigating Officer's report. The governors/Principal can then ask questions.

The chair of the panel should ensure that all parties are given equal opportunity to speak and ask questions. The complainant must leave the meeting feeling that they have been given their right to be heard and been allowed to present their case to the panel. The chair will ask all parties to sum up their case and make any final points.

The Chair of the Panel will end the meeting and inform parties that a decision will be issued within 10 college days. All parties will leave except for the governors' panel and the Clerk who will deliberate and make a decision based on a balance of probabilities.

A letter explaining the governors' decision must be sent to the complainant within 10 college days. The letter should set out the complainant's right to make an appeal to the SoS if they remain dissatisfied.

APPENDIX E

Suggested Guidance for a Complaints Leaflet for Parents/Carers

Dear Parent/Carer

Introduction

We aim to provide your child with the very best possible education and opportunity during their time here. However, in any college, individuals who have parental responsibility for a child may occasionally feel concerned about something or have a complaint. If this is the case we want to hear from you. This leaflet explains how you can voice a concern or make a formal complaint, and how we will respond.

A concern is an expression of worry of what may appear to be a very low level issue. It is important to deal with a concern seriously at the earliest stage in order to reduce the likelihood of it developing into complaint. A matter should be viewed as a concern if it is capable of being resolved locally, is not in writing and does not require a formal written response.

A complaint is a formal expression of dissatisfaction; is in writing and will need a formal written response. The college must deal with any matter as a complaint when the person raising the matter requests it at any point or when informal attempts to resolve the concern have been exhausted and the person who raised the concern remains dissatisfied.

What do I do if I have a complaint or concern about the college?

Discuss your concern or complaint with the member of staff. It may be best to make an appointment rather than just trying to discuss in a more ad hoc manner. Agree timescales for change and a further review meeting.

What do I do if I feel my complaint hasn't been resolved?

Contact the college office and ask for an appointment to see the Principal or other senior member of staff. An appointment will be scheduled. The Principal will listen carefully and ask you any questions and may have to speak with staff in order to fully understand the background to your concern/complaint fully. You should expect to have a response in a week; again, agree timelines and a further meeting if necessary. This is referred to as the **informal stage** of the complaints procedure.

If I feel unhappy with what the Principal says, what can I do then?

You can write to the Chair of the college's Governing Body (or designated governor) at the college address. Your letter must set out your complaint and why you are unhappy with the college's

response. Please write within 10 college days of receiving the Principal's response from the informal stage. The Chair (or designated governor) will write acknowledging your letter within 5 days and may invite you for an informal meeting to discuss your complaint. They will invite you to meet with them (you can bring a friend or family member to the meeting). They will then probably have to arrange to discuss your concerns with other members of staff. You will receive a full response within 10 college days. This is still the informal stage.

What happens if I am unhappy with the informal stage?

You are entitled to ask a panel of governors to meet to consider your complaint. If you want to do this, write to the Chair or Clerk to the governing body within 10 college days of receiving the Chair's response. Confirm that you have a formal complaint and that you remain unhappy with the way the college and Chair of Governors have responded, and that you would like a GB complaints panel hearing to be set up to consider your complaint. There is no need to write all the details of the complaint in this letter but you will be required to provide a summary of your complaint. The Clerk will contact you about the GB panel hearing and explain what will happen. You may bring someone with you if you wish. This part of the procedure is referred to as the **formal stage** of the complaints procedure.

In a voluntary aided college, you may be able to channel your complaint to the appropriate Diocese or religious organisations linked with the college.

What happens at the GB complaints Panel? One of the governors will chair the meeting, and she/he will explain what will happen At the meeting/hearing. You may be asked to outline your complaint. Panel members and/or the Principal/Investigating Officer will also be present and may ask you questions. The Principal/Investigating Officer will then explain how the college has responded to the complaint, and then you and the panel may ask the Principal/Investigating Officer questions. You may also ask other people (witnesses) to speak about what happened.

The Chair will close the meeting/hearing and tell all parties a decision will be issued within 10 College of the hearing/meeting.

The panel and the Clerk will remain to deliberate and reach a decision with findings. The Chair of the panel will write to the complainant, Principal, Chair of Governors, within 10 college days, setting out the panel's findings and final decisions. The findings and Decision are binding upon the college.

The panel's findings are the college's final response to you about your complaint. Colleges are responsible for their own activities. The Local Authority has no power to tell a Local Authority college or GB how to act or carry out any functions. If you are still unhappy with the final decision of the Panel you could write to the Secretary of State for Education who has no power to intervene unless the GB has acted unreasonably or has failed to fulfil its statutory responsibilities or failed to follow its own policy.

What Might A Complaint Be About?

- Your child's academic/social progress
- Bullying by other pupils
- Your child's relationship with teachers or other staff
- Homework – too much or too little of it
- Unfair treatment of your child as you or your child perceives it
- Issues on the health and safety of your child

- Absence (authorised/unauthorised)
- Missing property
- Detentions and other sanctions
- Parents' Evenings
- Any situation that causes you or your child concern

This list is not exhaustive.

APPENDIX F

Model Complaints Form

Please complete and return to the college office.	
Your name	
Pupil's Name	
Your relationship to the Pupil	
Email address	
Daytime Telephone Number	
Evening Telephone Number	
Please give details of your complaint here	
What actions have you taken e.g. who have you spoken to, to try and resolve the problem informally?	
Are you providing any evidence/paperwork with this form?	
Signature	Date
For office use	Date acknowledgement sent Who sent the acknowledgment Who was the complaint referred to