

Statement of Policy

COMPLAINTS

[Reviewed and agreed at the Full Governing Body held on 19th March 2013]

1.0 Introduction

- 1.1 This policy has been approved by the Principal and governing body of Ely College and is addressed to all members of staff and parents. This policy is made available on the College website and can be made available in large print or other accessible format.

2.0 Purpose and Aims of the Policy

- 2.1 The College's values are concerned with meeting the needs of students, parents and others who have a stake in the College. The Governing Body believes that constant feedback is an important ingredient in self-improvement and raising standards. Students, parents, carers, or other adults who have concerns or complaints should feel that these can be voiced and be confident that they will be considered seriously in a sympathetic, efficient manner and at the appropriate level.
- 2.2 This policy provides guidelines for handling concerns and complaints and is drafted in accordance with the Education (Independent School Standards) (England) Regulations 2010 (SI 2010/1997) and takes account of the College's public sector equality duty under the Equality Act 2010.

3.0 Application

- 3.1 This policy applies to all sections of the College. The policy applies to current parents or legal guardians and may at the College's discretion apply to a parent whose child has recently left the College. Separate procedures apply in the event of a child protection issue or in relation to admissions or exclusions. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case.
- 3.2 Please let us know if you have any cause for concern or dissatisfaction as soon as possible. We recognise that a difficulty which is not resolved quickly and fairly can soon become cause of resentment which would be damaging to relationships and to our College culture.
- 3.3 ***If you are concerned about the safety of your child, you should immediately notify the person you believe is best placed to take urgent action and confirm this in writing to the Principal.***

4.0 Stages of the Complaints procedure

This policy sets out a four stage concerns and complaints procedure:

Stage 1: informal raising of a concern raised orally or in writing to a member of staff

Stage 2: formal complaint in writing to the Principal

Stage 3: formal complaint in writing to the Chair of the Governing Body

Stage 4: a reference to the Complaints Panel

5.0 Timescales

- 5.1 We aim to resolve any concerns or complaints in a timely manner. The timescales for each stage of the procedures are set out below. When this policy refers to Working Days, we mean Monday to Friday, when the College is open during term-time. Some of the procedures are therefore likely to take considerably longer during the holidays when personnel are likely to be on holiday. The dates of terms are published on the College's website.

6.0 Complaints Co-Ordinator

- 6.1 The Principal has appointed a senior member of staff, (the HR and Administration Manager), to be responsible for the co-ordination and administration of the complaints procedure. If the Complaints Co-Ordinator is unavailable or is the subject of the complaint, his/her duties will be carried out by the Principal or another senior member of staff.
- 6.2 The Complaints Co-Ordinator will:
- 6.2.1 be the first point of contact while the matter remains unresolved
 - 6.2.2 keep records of each complaint and how matters proceed (including noting at which stage each complaint is resolved)
 - 6.2.3 co-ordinate the complaints procedure across the College
 - 6.2.4 arrange additional assistance for parents when required, for example because of a disability
 - 6.2.5 maintain an on-going training programme for all College staff regarding the complaints procedures and this policy
 - 6.2.6 monitor the level and type of complaints as well as the keeping, confidentiality and storage of records in relation to complaints, reporting to the Principal on a termly basis
 - 6.2.7 keep CfBT Schools' Trust informed of any complaints being dealt with by the College at Stage 2 to 4.

7.0 Stage 1 – informal concern/complaint

- 7.1 **Initial concerns or difficulties:** We expect that most concerns or difficulties can be resolved informally. Examples might include: dissatisfaction with an aspect of teaching provided; a class/group allocation; allocation of responsibilities or privileges; a timetable clash or problem with College equipment or provision. Certain serious complaints such as discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.
- 7.2 **Notification:** In the first instance and if appropriate please raise your concern or difficulty with the Head of Department or Head of Year.
- 7.3 **Acknowledgement:** We will acknowledge a written notification by telephone fax, e-mail or letter within two working days of receipt during term-time and as soon as practicable if received during the holidays. A concern raised orally will not necessarily be acknowledged in writing, but a written record will be made and a copy sent to the Complaints Co-Ordinator.
- 7.4 **Unresolved concerns:** A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2 below.

8.0 Stage 2 - formal complaint

- 8.1 **Notification:** An unresolved complaint under Stage 1, a complaint which requires investigation, dissatisfaction with some aspect of the College's policies or procedures should be made in writing with full details and sent to the Principal or Complaints Co-ordinator with all relevant documents and your full contact details.
- 8.2 **Acknowledgement:** Your complaint will be acknowledged by telephone, fax, email or letter within two working days during term time, indicating the action that is being taken and the likely time scale. A written record will be made of the acknowledgment and given to the Complaints Co-Ordinator.
- 8.3 **Investigation:** The Principal may ask a senior member of staff to act as Investigator and may involve one or more of the Governing Body (but not all of the Governing Body). The Investigator may request additional information from you and will probably wish to speak to you and others involved personally. The outcome of the investigation will be recorded in writing and given to the Principal who will then notify you by telephone, fax, email or letter of his/her decision and the reasons for it.

Written records will be kept of all meetings and interviews held in relation to your complaint, including a written record of the Principal's decision.

8.4 **Timeframe:** The Principal will aim to inform you of the outcome of any investigation and his/her decision and reasoning within 28 working days from the receipt of the complaint.

9.0 **Stage 3 – reference to the Chair of the Governing Body**

9.1 **Notification:** If you are unsatisfied with the Principal's decision under Stage 2 of the procedure, your complaint may be renewed in writing to the Chair of the Governing Body (the Chair), via the Clerk to the Governors at the College. This is an optional stage and it may be more appropriate for your complaint to be referred to Stage 4. If you do wish to invoke Stage 3 then please write to the Chair within five working days of receiving the Principal's decision at Stage 2. Your letter should include full details of your complaint and enclose all relevant documents as well as your full contact details.

9.2 **Acknowledgement:** Your letter will normally be acknowledged by telephone, fax, email or letter within four working days of your letter being received during term time. The Chair will indicate the action that is being taken and the likely time-scale.

9.3 **Action by the Chair:** The Chair will usually arrange for your complaint to be investigated following procedures equivalent to those at Stage 2 above. When the Chair is satisfied that he/she has established all of the material facts, so far as is practicable, he/she will notify you of his/her decision and the reasons for it.

9.4 **Timeframe:** The Chair will aim to provide you with a response within ten working days of receiving your letter during term time.

10.0 **Stage 4 – reference to the Complaints Panel**

10.1 **Overview:** A Complaints Panel Hearing is a review of the decisions taken by the Principal and where relevant the Chair. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

10.2 **Notification:** If you are not satisfied with the Chair's decision under Stage 3, or the Principal's decision under Stage 2 and you do not wish to invoke Stage 3, you may ask for the complaint to be referred to the Complaints Panel by writing to the Clerk to the Governors within five working days of receiving the Chair's or Principal's decision. Your request will usually only be considered if you have completed the procedures at Stages 1 and 2, and where appropriate, Stage 3. Please ensure that you include a copy of all relevant documents and your full contact details with your letter. Please also include a list of all documents you believe to be in the College's possession which you believe to be relevant to your complaint and you wish to Panel to see. If you require assistance with your request, because of, for example, a disability, please include details of this in your letter and appropriate arrangements will be made.

10.3 **Acknowledgement:** The Clerk to the Governors will acknowledge your complaint in writing within two working days of receipt.

10.4 **Composition of the Panel:** The Clerk to the Governors will be responsible for convening the Panel as soon as reasonably practicable. The Panel will normally consist of a minimum of three individuals who have no prior knowledge of the circumstances of the complaint. One member of the Panel will be from CST and one member will be an independent member. You may ask the Clerk to the Governors to tell you who has been appointed to sit on the Panel.

10.5 **Notice of Hearing:** Every effort will be made to enable the Hearing to take place within ten working days of the receipt of your request; however the Panel will not normally sit during half term or the College holidays. As soon as reasonably practicable and in any event at least seven working days

before the Hearing, the Clerk to the Governors will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.

- 10.6 **Attendance:** You will be invited to attend the Hearing and you may be accompanied by one other person such as a relative, teacher or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk to the Governors at least five working days before the Hearing.
- 10.7 **The role of the panel:** The Panel's task is to establish the facts surrounding the complaints that have been made by considering the documents provided by both parties and any representations made by you, the Principal or the Chair. If, after establishing the facts, the Panel consider that the complaint is proven, they will uphold the complaint. If the Panel decide that the complaint is not proven, they will dismiss the complaint. They will make these decisions on the balance of probabilities.
- 10.8 **Hearing:** The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner. The Hearing will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Hearing is not a legal proceeding and all statements made at the Hearing will be unsworn. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.
- 10.9 **Conduct:** All those attending the Hearing are expected to be polite and show courtesy, restraint and good manners, or after due warning, the Hearing may be adjourned or terminated at the discretion of the chair of the Panel. If terminated, the decision will stand.
- 10.10 **Adjournment:** The chair of the Panel may, at his/her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 10.11 **Notes:** All present will be entitled to make their own notes for reference purposes if they so wish. A minute of the proceedings will be taken during the Hearing.
- 10.12 **Private proceeding:** The Hearing is a private proceeding. No notes or other records or oral statement about any matter discussed in or arising from the Hearing shall be made available directly or indirectly to the press or other media.
- 10.13 **Decision:** After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified to you orally at the Hearing or subsequently and shall be confirmed in writing or by e-mail to you within seven working days of the Hearing, as well as to CST, the Chair of the Governing Body, the Principal and where relevant, any person about whom the complaint has been made. If you do not wish to receive the decision by e-mail, a copy will be given or posted to you. Reasons for the decision will be given and the decision may include recommendations. The decision of the Panel will be final. The decisions, findings and any recommendations will be available for inspection on the College premises by the Governing Body and the Principal.
- 11.0 Education Funding Agency (EFA)**
- 11.1 If you are dissatisfied with the decision of the Panel, you may contact the Education Funding Agency (EFA) to review the handling of the complaint. Please note the EFA cannot review or overturn a College's decision about a complaint, but will look at whether the College considered the complaint appropriately. The Department for Education has a webpage on complaints which sets out the ways in which you can contact the EFA.

12.0 Confidentiality

12.1 Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by law.

13.0 CfBT Colleges Trust (CST)

13.1 The College will ensure that CfBT Colleges Trust is informed of any complaints at Stage 2 to 4 without delay and will ensure that CST are kept informed as to all stages of the complaint thereafter.

14.0 Records

14.1 A written record will be made about each complaint received by the College and at which stage of the procedure each been resolved. The number of complaints registered under the formal procedure during the preceding College year will be posted on the College's website.

15.0 Arrangements for monitoring and evaluation

15.1 A summary of complaints received will be included in the Principal's termly report to the governors, with advice on any implications for policy. This policy will be reviewed every two years.

Signed:

Date:

Last updated: March 2013

Review date: March 2014