

The Boulters Learning & Skills Centre

COMPLAINTS PROCEDURE

This policy incorporates guidance as agreed by the Department for Education and Skills in 2003

1. Purpose

1.1. The Boulters Learning & Skills Centre is committed to taking all issues and concerns raised seriously. We want to encourage an environment where parents/those in loco parentis and members of the community feel able to raise concerns verbally to any member of staff without recourse to formal procedures. We believe that the majority of issues can be successfully resolved through discussion and communication. It is where these processes have not worked that the following Complaints Procedure may need to be used. We are also committed to learning from the concerns raised to improve our standards and our relationships with parents/those in loco parentis and community alike.

1.2. The Complaints Procedure has the following aims:

- To make it easy for people to raise their concerns
- To provide a clear and fair process to deal with complaints from parents, those in loco parentis, pupils or members of the community
- To deal quickly with issues of concern and set very clear timescales for The Boulters Learning & Skills Centre to respond
- To resolve as many issues as possible within The Boulters Learning & Skills Centre ensuring that constructive relationships are maintained
- To deal with issues directly related to young people and parents'/guardians experience in school
- To involve staff in an open, constructive and non-threatening manner in the investigation of complaints

1.3. This policy does not cover issues connected with the following:

- Disciplinary or capability issues relating to staff members
- Child protection issues
- Policy issues or decisions over which The Boulters Learning & Skills Centre has no control e.g. decisions about Statementing

The above are dealt with under separate procedures and The Boulters Learning & Skills Centre will be able to advise where such concerns should be referred.

2. The Procedure

The following pages outline the process to be followed at each stage of the Complaints Procedure and how anyone can expect his/her complaint to be dealt with.

3. Exceptions to the procedure

If the complaint is about the Education Manager, the parent or community member will be asked to put the complaint in writing to the Senior Management Team, consisting of the following, the Company Chairman, Director of Human Resources and Education and Director of Estates, and the Complaints procedure will commence at Stage 2.

If complaints are received from a solicitor a separate process may apply.

4. Withdrawal of formal complaints

Formal complaints may be withdrawn at any stage of the procedure. This should be done in writing to the school. Where a complaint is not officially withdrawn but the complainant does not co-operate with the process, the Senior Management Team will have the right to decide whether or not he/she wishes to proceed.

5. Communication of the Policy

The Boulders Learning & Skills Centre will advise parents/those in loco parentis, of the Complaints Policy through induction and the School Prospectus. A Guide for Parents will be available to give an overview of the process (Appendix C) and complainants will be provided with a full copy of the policy at Stage 2 of the process.

6. Confidentiality

All correspondence, statements and remarks or complaint are to be kept confidential except for the requirements of The Boulders Learning & Skills Centre to provide parents and other interested parties with information about the nature of complaints registered under this procedure during the proceeding year and for it to provide information to inspectors/Dfes.

Stage 1: Dealing with Concerns

It is expected that the vast majority of the problems which arise in school will be dealt with and amicably resolved at this first stage. A parent/those in loco parentis can raise any issue of concern with any member of staff but should normally raise an issue with the class teacher in the first instance. If that member of staff cannot deal directly with the matter, s/he will take the name and contact details of the person along with a brief summary of the issue and s/he will ensure that the correct person makes contact to resolve the issue.

Where the matter relates to something in class but the parent has not spoken to the class teacher s/he will be encouraged to do so in the first instance.

Investigations

Where the issue is one not previously known about e.g. an incident between pupils, it may be necessary to investigate. Where this is necessary this should be explained to the person raising the issue and timescales for being able to respond given.

An investigation should include talking to anyone involved in the matter. Where there are other children involved, there should ideally be two members of staff present at any discussion about an incident, although it is recognized that this may not always be practical. Where the incident is serious, it may be necessary to involve parents/those in loco parentis. It will be at the teacher's discretion to decide whether an incident is serious enough to require the immediate involvement of parents/those in loco parentis.

Any discussions or interviews should be recorded.

Responding

At this stage it may not be necessary to respond to the person in writing but in dealing with the issue the following should take place:

- The person raising the issue should have the full circumstances of the incident explained to her/him
- The view of the school should be fully explained – why were decisions made, what is the policy that affects the incident, why were certain actions taken etc.
- Any actions which are to be taken as a result of the incident or concern e.g. monitoring, review of a policy etc. should also be explained
- Check that the person is happy with the explanation or if they require time to think about the information; ask them to confirm their position at a later date

If the matter is not resolved at this stage, the right to have the matter reviewed at Stage 2 of the process should be explained. The complainant should be given a copy of the Guidance Notes for Parents/those in loco parentis or a copy of the full policy if requested.

Where the matter is to be escalated to Stage 2, the details of the matter should be passed to the Education Manager or the Senior Management Team where the manager has already been involved.

Record keeping

A brief record of the issue should be kept at this stage using the form included at Appendix A. Where it has been necessary to conduct an investigation that has involved interviewing other staff or pupils then a written record of these discussions should be retained. The records of complaints will be kept in the School Office.

Stage 2: Dealing with a Complaint

If a matter has not been resolved at Stage 1, it moves from a concern to a formal complaint. Where the Education Manager has been involved at Stage 1, the matter will be referred to the Senior Management Team. If the Education Manager has not been involved at Stage 1, s/he will deal with the matter at this stage.

Making sure the Complaint is understood

The Education Manager/Senior Management Team will write to the person making the complaint setting out his/her understanding of the complaint. This will take place within 5 working days of the individual indicating that they wish to take the matter further. This letter will also explain that a formal response will be given within 15 working days.

The Education Manager/Senior Management Team may also wish to meet with the person making the complaint to discuss the reasons for the complaint in more detail and to try to understand what resolution s/he is seeking. The person making the complaint may want to be accompanied at this meeting by a friend, relative or representative to speak for him/her or to provide support. This should not be someone acting in a professional capacity and in these circumstances the person may be asked to leave the meeting. A note of this discussion will be kept.

Investigation

The Education Manager/Senior Management Team will review any investigation carried out at Stage 1 of the process or may wish to talk to those involved again. A record of all the discussions associated with the complaint will be kept.

Responding to the complaint

Once a decision has been reached the Education Manager/Senior Management Team may wish to meet again with the person making the complaint in order to explain his/her findings. In all cases the findings will be confirmed in writing and will include:

- An explanation of his/her understanding of what has taken place
- A direct response to the concerns raised
- An explanation of the policy of the school relating to the matter, if appropriate
- The decision reached at Stage 2 and the reasons for it
- Any actions to be taken following the complaint or any actions which were taken as a result of the matter being raised at Stage 1
- What the person making the complaint can do if they are unhappy. The letter should also include a copy of the Complaints Procedure if not previously provided.

Recording Keeping

The form in Appendix A will be used to keep a record of the complaint and a note of all telephone calls, meetings and interviews associated with the complaint will also be kept.

Stage 3: Advisory Council Complaints Committee

Where the person is still dissatisfied with the decision made at Stage 2 of the procedure, s/he should advise the Education Manager/Senior Management Team in writing of their wish to proceed to the next Stage. This letter should be received within 15 days of the decision being given at Stage 2. Arrangements will then be made for the complaint to be heard by the Senior Management Team.

Advisory Council Complaints Committee

The Complaints Committee will comprise of three members of the Senior Management Team. The Chair will be taken by the Company Chairman plus two other senior members of the not previously involved in the complaint.

The aims of the Committee are:

- To establish the facts and make recommendations
- To try to resolve the complaint to the satisfaction of all those involved
- To improve understanding on both sides and, where possible, rebuild Relationships

The Committee can make one of three decisions:

- To uphold the complaint
- To partially uphold the complaint
- To dismiss the complaint

All actions/decisions, will be recorded.

Arrangements for the Meeting

The Education Manager will acknowledge the complaint and arrange a date for the Team to hear the complaint. This will be within 20 school days of the letter of appeal being received in school.

The person making the complaint will be advised of their right to:

- Submit any documents or further information to the Committee
- Call any witnesses provided that they have been previously involved and interviewed in the complaints process
- Be accompanied by a friend at the meeting to support him/her but not to act as a representative

The Education Manager will:

- Submit a written report setting out the school's position
- Provide all the documentation from previous stages
- Identify appropriate witnesses

Format of the Meeting

The aim of the meeting is to establish all the facts and to ensure that all parties have a full opportunity to explain their side of the situation. Although there is a formal structure to the meeting which is set out below, the Chairman will try to manage the meeting in a constructive and supportive atmosphere to ensure that everyone feels fully able to contribute.

The structure will be:

- The person making the complaint will be invited to explain the details of the

complaint

- The Education Manager will be asked to set out the school's position
- Witnesses may be called during either of these presentations and can be questioned by both sides and by the Committee
- Both parties and the Committee will have the opportunity to ask questions
- Both parties will have the opportunity to sum up their position at the end of the Meeting

Finally before the meeting closes, the Chair will specifically ask the person making the complaint:

- To clarify the points which they want the Senior Management Team to consider
- To explain what they would consider to be an acceptable solution

No new information should be submitted at this meeting. If new information is Submitted, the Chair can decide whether it should be accepted and whether an adjournment of the meeting is needed to allow everyone to consider the new information.

Responding to the complaint

The Senior Management Team will not give a decision on the day of the meeting. Following the meeting the Senior Management Team will consider what it has heard. The senior Management may want to re-interview witnesses if it feels that further clarification is required. Where possible this should be avoided to ensure that the person making the complaint is fully aware of the information available to the Senior Management Team.

When the Senior Management Team have considered the complaint, the Chair will produce a signed written statement outlining the decision. This will be sent to all parties within 15 school days of the meeting and will include the following:

- Summary of the facts
- Decision reached (this may be a majority rather than a unanimous decision)
- Any actions to be taken
- Any recommendations for changes to school systems or procedures
- The right of appeal to the LEA

Appendix B contains further guidance to members of the Senior Management Team on the conduct of the meeting.

Stage 4: LEA

A complaint can only be taken to the LEA if the above procedure has not been correctly applied or the complainant feels that they have not been given appropriate access to all the stages.

If the person making the complaint wishes to invoke Stage 4 of the procedure they should do so by writing to the LEA within 15 school days of receiving the outcome of the Stage 3 meeting. The appeal should set out what s/he remains dissatisfied with and what part of the procedure s/he does not think was correctly applied. The LEA will acknowledge receipt of the letter within 5 working days and having appointed an officer to investigate will arrange separate meetings with the person making a complaint, the Education Manager and the Chair of the Senior Management. The LEA will then respond within 20 working days of the last interview taking place.

If the person remains dissatisfied they may appeal to the Secretary of State.

Appendix A: Complaint Reporting Form

Complainant Name	
Young Person's name (where applicable)	
Date of 1 st complaint	
Nature of complaint	

Stage 1

Person dealing with complaint	
Witnesses interviewed	
Date response given	
Summary of response	
Actions taken	

Stage 2: Dealing with Complaint

Date appeal received (within 15 days of previous stage)	
Person dealing with complaint (Education Manager or company Chairman.)	
Person dealing with complaint (Education Manager or Company Chairman)	
Witnesses interviewed (if different to Stage 1)	
Date of written response (within 15 school days)	
Outcome	

Stage 3: Governor Complaints Committee

Date appeal received Within 15 days of previous stage)	
Date of Committee (within 20 school days)	
Committee members (please indicate Chair)	
Witnesses called	
Date decision notified (within 15 school days)	
Outcome (delete as appropriate)	Upheld / partially upheld / dismissed

Stage 4: LEA

Date appeal received	
Date referred to LEA	

- Will there be refreshments available?

During the meeting

The Chairman is the key person in setting the tone for the meeting and ensuring that it is well managed. The Chairman should follow the agenda provided which will follow the process set out in Stage 3 above. The following are some issues to bear in mind when opening the meeting:

- Ensure that the Education Manager and person making the complaint (with friend) are invited in together to avoid the challenge of inequality
- Explain the format and procedure of the meeting at the beginning ensuring that everyone is clear what to expect
- Explain the standards of behavior you expect from all participants i.e. everyone to treat each other with respect
- Establish the impartiality of the Committee and your intention to treat everyone fairly
- Explain the aims of the meeting and the possible outcomes
- Encourage everyone to participate openly and honestly
- The Chairman will agree when witnesses should be called and will ensure that they leave once their evidence has been given and questions asked
- The Chairman will also invite those present to ask questions
- Use adjournments to calm situations down or to allow for new evidence to be considered by all parties
- Remind participants of the process if interruptions to the proceedings occur
- Do not allow one party to address the Senior Management Team without the others being present
- Try to manage the meeting as informally as possible in order to put participants at ease and encourage their contribution
- Ensure that points are clarified through questions and statements

Concluding the discussion

Everyone should have the chance to be heard but if participants are starting to repeat themselves at the “any further questions stage” it would be appropriate to move to the summing up. This may not be necessary if all the issues are clear.

You should explain when both parties can expect to hear the decision.

Involvement of children

Normally parents/those in loco parentis will represent their children during the complaints process but sometimes parents ask for their children to be present even when it is not necessary. The Senior Management Team should discuss and agree whether they are happy with their attendance giving consideration to the following:

- Does the child have a good enough understanding of the process?
- Will the child be likely to hear confidential information about other pupils or staff?
- Will the child’s presence be helpful towards resolving the issue?
- Will the information shared at the meeting damage the relationship between the Child/teacher/parent?
- Is the written statement provided by the child sufficient for the Senior Management Team without further discussion?

Appendix C : Guidance to Parents/those in loco parentis

If you have a concern or complaint....

Please tell us about it. We welcome your opinions and suggestions for improving the work we do in school. Whatever issue you raise it will not affect our relationship with you or your child and you can be assured of our continued support and respect. If you do have a problem please tell us quickly. It can often be difficult to investigate issues which have taken place some time ago.

Please feel free to raise concerns with any of our staff. If it is about something which happens in class, please talk to the Lead Teacher first. S/he is the person who understands your child and his/her relationships best and should be able to give you the most appropriate response to your query. If s/he cannot answer you straight away then the matter will be investigated promptly and responded to as soon as all the facts have been gathered.

What to do next

If you are not happy with the initial response you are given by the Lead Teacher, or the Education Manager, if s/he has already been involved, then you can make a more formal complaint. This should be in writing. If the Education Manager has already been involved the complaint will be passed to the Chairman of the Senior Management Team to deal with.

You may find it helpful to have a copy of the full Complaints Procedure at this stage because it explains in detail what you can expect to happen at each stage of the process. This is available from the School Office.

If you are still unhappy

We hope that it will be possible to resolve most problems at one of these first two stages but if you are not satisfied you can ask the school to refer the Complaint to the Senior Management Team. This Senior Management Team includes three members who have had no involvement with the complaint previously and can therefore look at the problem afresh. You will be able to attend, accompanied if you wish, along with the Education Manager and you will both give your side of the story.

Further action

Complaints are almost always settled in school by those people who are most closely involved in the life of the school and its pupils. In exceptional cases there may still be concerns about the process which has been followed and in these cases you may be able to refer your complaint to the LEA, the Ombudsman or the Secretary of State.

Detailed information about all stages of the procedure can be found in the Complaints Procedure and you are welcome to ask the Education Manager any questions about the process if you are unsure.