

# Complaints Procedure & Policy

2017-2020



**EARL MORTIMER**  
C O L L E G E

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building achievement and  
excellence in our community

## **PROCEDURE**

Our key aim is to ensure that all concerns or queries are dealt with speedily and efficiently. The vast majority of concerns/queries between the College and parents/carers are resolved during routine day-to-day College business by means of communication, negotiation and mediation. However, from time to time, these concerns can develop and therefore parents/carers are invited to follow the procedure below in order to achieve resolution.

This College has a four stage Complaint Procedure (see also Annex A).

### **STAGE ONE: COMPLAINT HEARD BY STAFF MEMBER**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The front line service of EMC is the Administration Team and a telephone call or visit to Reception will be enough to secure a response from the appropriate member of staff. The College website "Communication & Who to Contact" page also contains up-to-date details, including e-mail addresses of who may be the best person to direct the concern.

If the concern is about a child's welfare, attendance, homework, or progress in general please contact their Tutor in the first instance.

If the query is about a specific subject then contact the specific subject teacher.

Tutors and subject teachers are available to receive telephone calls, e-mails or meet with parents or carers. Parents/carers can also use the students' planner as a useful means of making contact.

It may be that parent/carers then seek greater clarification or desire a follow up meeting to the initial request. If this is subject specific then contact the Faculty Leader. However, if it is a concern about a pastoral or student welfare issue then contact the Tutor in the first instance or the Pastoral Manager for the child's year group.

In the instance that the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **STAGE TWO: COMPLAINT HEARD BY PRINCIPAL**

The Principal's influence will already have shaped the way complaints are managed in the College. However, at this point if the complainant remains dissatisfied with the way the complaint was managed at Stage One or the concern is about a more complex issue and has not yet achieved resolution, the Complainant is invited to make contact with the Principal (this may be either a letter or an email) requesting them to investigate the matter further. However, at this stage it may be appropriate for the Principal to delegate the investigation to a member of the Senior Leadership Team who will in turn collate the information to pass back to the Principal to make a decision on the action to be taken. The Principal will then write to the complainant.

### **STAGE THREE: COMPLAINT HEARD BY CHAIRMAN OF GOVERNORS**

If after having gone through all the appropriate channels as identified in Stage One and Stage Two the complainant wishes to pursue the complaint further or the complaint is about the Principal, the complainant should write to the Chair of Governors at the College to request that their complaint is considered further.

The letter should state clearly the concerns that the parent/carer has and should contain all the relevant facts of which they are aware. The Chair of Governors will consider the evidence of the complaint, and may seek advice from the Education Directorate or Legal Services as necessary. Having considered the complaint, the Chair of Governors will either write to the complainant with his/her findings and reasons or will meet with them and the Principal in an attempt to resolve the matter.

### **STAGE FOUR: COMPLAINT HEARD BY THE GOVERNING BODY'S COMPLAINTS APPEAL PANEL**

If the complainant is not satisfied with the outcome of the Chair of Governor's investigation, they can ask for the matter to be referred to a panel of the Governing Body by writing to the Clerk to the Governors at the College. The panel will receive a summary of the complaint from the Chair of Governors, and a meeting will be convened, at which the complainant will be able to present their case. The panel will consider the case and write back to the complainant.

The governors' appeal hearing is the last College-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- a) Drawing up its procedures;
- b) Hearing individual appeals;
- c) Making recommendations on policy as a result.

The procedure adopted by the Panel for hearing appeals is the final stage of the College's Complaint Procedure i.e. Stage Four. The Panel can be drawn from the nominated members and may consist of three people. The Panel may choose their own chair.

## **POLICY**

This College works in accordance with Section 29 of the Education Act 2002. This Complaint Policy and Procedure is to deal with all complaints relating to the College and to any community facilities or services that the College provides. The College is committed to resolving all complaints fairly and impartially and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the College. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this document the Complaints Co-Ordinator is the Principal's PA and/or the College Business Manager.

### **The Difference between a Concern and a Complaint**

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. This College does take informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the College's formal procedure should be invoked through the stages outlined within the procedure on Page 2. Parents/Carers are strongly advised to ensure they are familiar with the Educational Agreement, Code of Conduct and College Rules (as published in the Student Planner and available to view on the College Website) before expressing a concern or complaint.

### **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that this College provides, unless separate statutory procedures apply (such as exclusions or admissions). This College will not limit complaints to parents or carers of children that are registered at the College.

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. '*Understanding and Dealing with Issues Relating to Parental Responsibility*' from the Department for Education website contains specific advice about how to properly approach issues concerning parental responsibility.

### **Complaints not in Scope**

Please see Annex C.

## **RELATED ITEMS**

College policies & procedures:

Educational Agreement

Code of Conduct

College Rules

Safeguarding Policy

Anti-Bullying Policy

Parental Use of Social Networking & Internet Sites Policy

Unreasonable Behaviour in Schools Policy

For staff: Grievance Policy, Whistleblowing/Confidential Reporting Policy, Single Equality Plan, Dignity at Work Policy.

Local Authority Guidance

DfE Guidance: Best Practice Advice for School Complaints Procedures 2016

## **RATIONALE**

The Educational Agreement (as published in the Student Planner issued to each student at the beginning of each academic year) highlights the major aims of the College in providing a high quality, broad and balanced education for all students as well as recognising the need for a high quality service for parent/carers and the community. We welcome feedback at any time and actively seek evaluative comments at consultation evenings and after major College visits

If any person is dissatisfied by the service provided by the College the following procedures and principles have been established.

## **PRINCIPLES**

This policy and associated procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised; from Reception and via the College website
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Enables a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the College's Senior Leadership Team and Governing Body so that services can be improved;
- Allow handling within reasonable time-limits for action and keeping people informed of the progress;
- The College is open to receive complaints based on the communication preferences due to disability or learning difficulties;
- A complaint may be made in person, by telephone, letter or email.

## **TIMELINES**

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- The College has set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, new time limits will be set, and the complainant informed of the details of the new deadline and given an explanation for the delay);
- The College does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
- The College expects complaints to be made as soon as possible after an incident arises. Complaints should be lodged within three months after an incident arises;
- The College will consider exceptions to the three month time deadline and that this complaint procedure reflects this. The Governing Body on behalf of the College does not have blanket policies of refusing to consider any complaints not lodged within the stated period;
- As a general rule during term time concerns/complaints will be acknowledged within two working days (24 hours) and investigated within five working days (one week) for Stage One.

- For Stage Two, in addition to the Stage One timescale, as a general rule during term time concerns/complaints will be acknowledged within two working days (24 hours) and investigated within five working days (one week).
- For Stage Three, in addition to the Stage One and Two timescale, as a general rule during term time concerns/complaints will be acknowledged within two working days (24 hours) and investigated within 10 working days (two weeks).
- For Stage 4, in addition to the timescales at Stages One, Two and Three, a governor's panel may need up to 20 working days to convene, with the complainant receiving written confirmation of the outcome within five working days;
- For complaints raised during school holidays or within the last week of term before it breaks for a holiday then the timescales may have to lengthen. The Complainant will be invited to discuss and agree with the College what can be realistically be achieved in these periods.
- At the end of Stages One and Two the complainant will be asked if they have chosen to accept the outcome to date or move to the next Stage as in One to Two or Two to Three. If a complainant has not responded within 30 calendar days of their stating their intention by email or letter to either accept or move to the next stage then the Clerk to the Governing Body will inform the complainant that their complaint is closed.

## **RECORDING & INVESTIGATING COMPLAINTS**

All complaints must be recorded with the College's Complaint Co-ordinator.

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- Establish what has happened so far, and who has been involved;
- Where possible what the cause(s) of the complaint is
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied (by a Trade Union rep or a colleague) if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interviews, meetings, phone calls, emails, and text messages etc.

## **RESOLVING COMPLAINTS**

At each stage in the procedure the College will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. An admission that the College could have managed the situation better is not the same as an admission of negligence. The College will seek to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been managed differently or better;

- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review College policies in light of the complaint.

Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;

- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the College should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA;
- Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The College will consider the request but ultimately, the decision is made by the Governors;
- The process of listening to and resolving complaints can contribute to the College's improvement. When individual complaints are heard, the College may also identify underlying issues that need to be addressed. The monitoring and review of complaints is a useful tool in evaluating the College's performance. The Governing Body reviews its and the College's management of complaints at Full Governor's Meetings (FGM). This is part of the Principal's Report to the FGM. From this feedback and discussion, the College and Governing Body are able to identify and implement improvements and the effectiveness of the complaints procedure;
- The Governing Body reviews this Complaint Policy and Procedure every two to three years. This enables the College to take into account any new guidance issued by the Department for Education or legislative changes.

## **SERIAL AND PERSISTENT COMPLAINANTS**

The College will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the College is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the College will take the appropriate action.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the College to recognise when they really have done everything they can in response to a complaint. It is a poor use of this College's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the College again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent'. The College will respond informing the complainant that their complaint has been previously closed irrespective of the outcome. However, the College will be careful that it does not mark a complaint as 'serial' before the complainant has completed the procedure.

### **Note:**

The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

### **Is it time to stop responding?**

The decision to stop responding should never be taken lightly. Provided this College is able to say yes to all of the following:

- The College has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the College's position and their options (if any); and
- They are contacting the College repeatedly but making substantially the same points each time.

The case is stronger if the College agrees with one or more of these statements:

- The College has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

The College will not normally stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what the College can refuse to respond to, not the correspondent.

The College will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption the College may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the College is failing to comply with its legal obligations. This College will ensure that it is acting reasonably and that any genuine complaint can still be heard.

If any of our College staff find it difficult to deal directly with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the College, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the College can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the College considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, injunctions and other court orders could be issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. The College will talk to its FOI/DP advisor contact about those or approach the ICO for further advice.

## **POLICY FOR UNREASONABLE COMPLAINTS**

Earl Mortimer College & Sixth Form Centre is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the College. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The College defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the College, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the College's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on College time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a College while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Earl Mortimer College & Sixth Form Centre causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Earl Mortimer College & Sixth Form Centre.

## **BARRING FROM THE COLLEGE PREMISES**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. This College will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If a parent's/carer's or student's representative behaviour is a cause for concern, the College can ask him/her to leave College premises. In serious cases, the Principal or the local authority can notify them in writing that their implied licence to be on College premises has been temporarily revoked subject to any representations that the parent may wish to make. The College will always give the parent/carer/student's representative the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the College's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **Annex A**

### **STAGE ONE**

- Complaint raised – in person, by telephone, letter or email;
- Complaint acknowledged within time limits;
- Complaint investigated and resolved;
- Complaint investigated and not resolved, senior colleague to investigate;
- Written summary forwarded to Complaints Co-ordinator.

### **STAGE TWO**

- Complaint escalated by complainant by writing to the Principal;
- Complaint acknowledged in writing within time limits;
- Investigation procedure initiated – will involve other staff members including Middle Leaders and Senior Leadership Team;
- Principal will write to complainant with outcome of investigation within time limits;
- Written summary forwarded to Complaints Co-ordinator.

### **STAGE THREE**

- Complaint remains unresolved;
- Complainant invited to write formally to the Chair of Governors;
- Chair of Governors' investigation procedure initiated;
- Chair of Governors' will write to complainant with outcome of investigation;
- Written summary forwarded to Complaints Co-Ordinator.

### **STAGE FOUR**

- Complaint remains unresolved;
- Convene a governor's complaints panel within the time limits;
- Invite complainant to panel;
- Review actions taken to date;
- Write to complainant with outcome of panel decision;
- Written summary forwarded to Complaints Co-ordinator;
- This is the last stage of the Complaint Procedure. The outcome of this stage will be either a resolved or unresolved complaint.

The decision to move forward to the next Complaint Stage is the Complainant's decision not the College's or Governing Body's.

Complaints against the Principal are usually first dealt with by the Chair of Governors.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

## The Remit of The Complaints Appeal Panel at Stage Four

The Panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the College's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the College and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

## **Annex B - Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the College in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Principal, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - a) sharing third party information;
  - b) additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the Complaints Co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Role of the Panel Clerk (this is usually the Clerk to the Governing Body)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision; liaise with the Complaints Co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the College have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the College are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and Complaints Co-ordinator.

## **Panel Member**

Panelists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the College and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

## **Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## Annex C

### Complaints not in scope of the Policy and Procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a College provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to Schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA). For School admissions, it will depend on who is the admission authority (either the College or the LA). Complaints about admission appeals for maintained Schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from School</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/School-discipline-exclusions/exclusions">www.gov.uk/School-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistle blowing</li> </ul>	<p>The College has an internal whistle blowing procedure for their employees and voluntary staff.</p> <p>Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate, Store Street, Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the College's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use College premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Annex D

### Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- After introductions, the Complainant is invited to explain their complaint.
- The Principal may question the Complainant.
- The Principal is then invited to explain the College's actions.
- The Complainant may question the Principal.
- The panel may ask questions at any point.
- The Complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the College's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within a set time scale (no longer than five working days).
- Both parties leave together while the panel decides on the issues.

## **Annex E**

### **The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD