

## **COMPLAINTS PROCEDURE**

### **1 INTRODUCTION**

- 1.1 It is in everyone's interest that concerns are resolved at the earliest possible stage. The experience of the first contact between the person raising a concern and the Centre can be crucial in determining whether the concern will escalate. To that end, if staff and Governors are made aware of the procedure, they know what to do when they receive a concern.

### **2 STAGE ONE: INITIAL FEEDBACK (OR CONCERN) TO CENTRE – CONCERN HEARD BY A MEMBER OF STAFF**

- 2.1 This procedure should be used by any persons who wish to raise a concern with the Centre including parents/carers of children with special educational needs and/or disabilities (SEND) about the support the Centre provides and parents/carers of children not attending the Centre (except in relation to admission appeals which are managed in line with the Centre's Admissions Appeals Procedure), visitors or neighbours of the Centre. Concerns against sub-contractors are to be addressed through their own policies/procedures. Staff grievances will be addressed through the schools' Grievance Procedures. Please also refer to section 9 for further details of complaints not covered in the scope of this procedure.
- 2.2 A summary of the Centre's Complaints Procedure is attached as Appendix 1 and is also available from the Centre's website and upon request from reception together with a copy of this procedure.
- 2.3 An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- 2.4 Details of the timeframes to be followed at each stage of the procedure are included within the summary document. However, in exceptional circumstances, a longer timeframe may be needed to carry out a thorough investigation of the concern. If this is the case, the person raising the concern will be advised of the anticipated timeframe required and an explanation for the delay.
- 2.5 Parents/carers of North Bristol Post 16 Centre students who wish to provide feedback to the Centre or raise a concern should, in the first instance, arrange an appointment to speak to a member of staff face-to-face or by phone. Cotham learning community's Parent Surgeries take place on Mondays from 3.00pm to 5.30pm; Redland Green learning community's Parent Surgeries take place on Wednesdays from 3.00pm to 5.30pm.
- 2.6 All other persons who wish to provide feedback to the Centre or raise a concern should, in the first instance, email the Clerk to the North Bristol Post 16 Centre at [clerk@redlandgreen.bristol.sch.uk](mailto:clerk@redlandgreen.bristol.sch.uk) who will forward the email to the most appropriate person.
- 2.7 It would assist the procedure if the Centre respected the views of the person raising the concern who indicates that he/she would have difficulty discussing their concern with a particular member of staff. In these cases, the person raising the concern can be referred to another staff member. Where the concern is in relation to the Headteacher(s), the person raising the concern can be referred to the Chair(s) of Governors c/o the Clerk to the Centre.
- 2.8 Similarly, if the member of staff directly involved feels too compromised to deal with a concern, the person raising the concern can be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is crucial.
- 2.9 Where the first approach is made to a Governor, the next step would be to refer the person raising the concern to the Clerk to the Centre and advise them about the procedure. It would be useful if Governors did not act unilaterally on an individual concern 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.

- 2.10 The person raising the concern will be provided with written responses where appropriate and if requested.
- 2.11 Inappropriate language as well as behaviour by anyone raising a concern (eg are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance), the use of obscenities, racist or homophobic language or personally offensive remarks about members of staff) will be treated as unacceptable and in such instances the Centre reserves the right not to consider such concerns or they may have to be re-submitted.
- 2.12 If the person raising a concern wishes to escalate their concern to Stage Two of this procedure, a complaints form (Appendix 2) must be completed and submitted with the accompanying correspondence. Should a form not be submitted, the Complainant will be asked to complete the form although it must be noted that this might result in a delay in the process.
- 2.13 The Governing Bodies of the Centre reserves the right to reject complaints raised more than 12 months after an incident occurs due to the difficulty in being able to carry out a thorough investigation.

### **3 STAGE TWO: COMPLAINT HEARD BY HEADTEACHER(S)**

- 3.1 At this point, the person raising the concern may be dissatisfied with the way the concern was handled at Stage One as well as pursuing their initial concern. Should this be the case, the Complainant should write to the Headteacher(s) c/o the Clerk to the Centre requesting that the complaint moves to Stage Two of the procedure.
- 3.2 The Headteacher(s) will investigate the complaint and provide a written response in line with the timeframe set out in the Centre's Complaints Procedure Summary (Appendix 1).
- 3.3 The Headteacher(s) may delegate the task of collating the information to another staff member but not the decision on the response/action to be taken.

### **4 STAGE THREE: COMPLAINT HEARD BY GOVERNING BODIES' COMPLAINTS APPEAL PANEL**

- 4.1 The Complainant needs to write to the Chair(s) of Governors for the Cotham learning community and/or the Redland Green learning community c/o the Clerk to the Centre, giving details of the complaint. The Chair(s), or a nominated Governor, will advise the Clerk to convene a Governing Bodies' Complaints Appeal Panel.
- 4.2 The Governors' appeal hearing is the last Centre-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 4.3 Individual complaints will not be heard by the whole of the Governing Bodies 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; this is also necessary to maintain impartiality for other Governors if they are required for a Stage Three Appeal Hearing.
- 4.4 The procedure adopted by the Panel for hearing appeals is outlined in Appendix 3. The Panel will consist of 3 people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the school. The Clerk will identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. The Panel may choose their own Chair.

### **4.5 THE REMIT OF THE GOVERNING BODIES' COMPLAINTS APPEAL PANEL**

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 school's systems or procedures to ensure that problems of a similar nature do not recur

4.6 There are several points which any person sitting on a Complaints Appeal 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 person 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, the Clerk needs to try and ensure that it is a cross-section of the categories of Governor, where appropriate, 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 Centre 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/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. 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 persons sitting on the Panel need to be aware of this Complaints Procedure.

## **5 ROLES AND RESPONSIBILITIES**

### **5.1 THE ROLE OF 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 Centre 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

### **5.2 THE ROLE OF THE COMPLAINTS CO-ORDINATOR (STAFF MEMBER, HEADTEACHER, CHAIR OF GOVERNORS, CLERK AS APPROPRIATE)**

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 the Freedom of Information Act 2000
- Liaise with staff members, Headteacher(s), Chair(s) of Governors and Clerk (as appropriate) to ensure the smooth running of the Complaints Procedure
- Keep records
- Be aware of issues regarding the sharing of third party information, and additional support that might be needed by the Complainant when making a complaint including interpretation support

### 5.3 **THE ROLE OF THE INVESTIGATOR**

The Investigator is the person involved in Stages One and Two 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; and 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
- Responding to the Complainant in plain and clear language
- Ensuring 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

### 5.4 **THE ROLE OF THE CLERK**

The Clerk will be the contact point for the Complainant and be required 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
- Ensure that witness statements are signed and dated
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the Panel's decision

## **5.5 THE ROLE OF THE CHAIR(S) OF THE GOVERNING BODIES OR THE NOMINATED GOVERNOR**

The Chair(s) or nominated Governor's role is to:

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the Clerk to convene the Panel

## **5.6 THE ROLE OF THE CHAIR OF THE PANEL**

The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has 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
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The Panel is open minded and acting independently
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

## **6 NOTIFICATION OF THE PANEL'S DECISION**

- 6.1 The Clerk to the Complaints Appeal Panel will ensure that the Complainant is notified of the Panel's decision, in writing, with the Panel's response, within 10 school days of the hearing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **7 VEXATIOUS COMPLAINTS**

- 7.1 If properly followed, the Complaints Procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the Centre's internal complaint process having been followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair(s) of the Governing Bodies will inform the Complainant in writing that the hearing at Stage Three concluded the school's internal complaint process and that the matter is now closed subject to the Complainant's right to appeal to the Secretary of State for Education.

## **8 STAGE FOUR: RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR EDUCATION**

- 8.1 Any complainant dissatisfied with the Governors' Complaints Appeal Panel's response to their complaint can bring the matter to the Secretary of State for Education. Further details can be found at <https://www.gov.uk/complain-about-school>.

## 9 COMPLAINTS NOT IN THE SCOPE OF THIS PROCEDURE

9.1 This procedure covers all complaints about any provision of facilities or services that the Centre provides with the exceptions listed below, for which there are separate procedures:

- Admissions to the Centre: please refer to the Centre's Admissions Statement
- Statutory assessments of special educational needs (SEN): concerns should be raised directly with the LA
- Centre re-organisation proposals: any proposals being considered will include a consultation process that will identify how concerns or comments can be raised
- Matters likely to require a child protection investigation: please refer to the schools' Safeguarding & Child Protection Policies
- Exclusion of children from the Centre: information about raising concerns about exclusion can be found at [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)
- Whistleblowing: please refer to the schools' Whistleblowing Policies, which sets out the schools' procedure for employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on 0300 1233155, via email at [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education
- Staff grievances and disciplinary procedures: please refer to the schools' Employee Grievance Procedure and the Disciplinary Procedure
- Sub-contractors: sub-contractors should have their own complaints procedure to deal with complaints; they should be contacted directly
- Complaints about services provided by other providers who may use Centre premises or facilities: providers should have their own complaints procedure to deal with complaints about service; they should be contacted directly

Agreed by Staff	Agreed by Students	Agreed by Governors	Review Schedule	Date Reviewed	Date Reviewed	Date Reviewed	Date Reviewed
N/A	N/A	26 JAN 2016	3 YEARS	20 MAR 2018			
Date Reviewed	Date Reviewed	Date Reviewed	Date Reviewed	Date Reviewed	Date Reviewed	Date Reviewed	Date Reviewed

## **APPENDIX 1 – COMPLAINTS PROCEDURE SUMMARY**



### **Complaints Procedure Summary**

We welcome all feedback that helps us to improve our Centre and take all concerns seriously.

#### **Stage One: Initial Feedback (or Concern) to Centre**

**Parents/carers of Centre students should arrange an appointment to speak to us face-to-face or by phone.** We will always do our best to meet with parents/carers as soon as possible.

Cotham learning community's Parent Surgeries take place on Mondays from 3.00pm to 5.30pm; Redland Green learning community's Parent Surgeries take place on Wednesdays from 3.00pm to 5.30pm

**Any other persons wishing to provide feedback or raise a concern should email the Clerk to the North Bristol Post 16 Centre at [clerk@redlandgreen.bristol.sch.uk](mailto:clerk@redlandgreen.bristol.sch.uk).**

Verbal or written feedback/concern acknowledged within 1 school day.

We aim to resolve most concerns at this stage, offering our initial response within 3 school days. However, In more complex cases we will arrange a meeting, phone call or written response within 10 school days by the most appropriate staff member.

The Centre will inform the person raising the concern as soon as practical should a longer timeframe be required.

#### **Stage Two: Complaint Heard by Headteacher(s)**

The person raising the concern is required to complete a Complaints Form and submit it to the school c/o the Clerk to the North Bristol Post 16 Centre at [clerk@redlandgreen.bristol.sch.uk](mailto:clerk@redlandgreen.bristol.sch.uk).

Written concern acknowledged within 1 school day.

If the matter has not been resolved at Stage One, we will arrange a meeting with the Headteacher(s) for further investigation within 10 school days followed by a verbal or written response within 10 schools days.

If the concern is about the Headteacher(s), the matter should be referred to the Chair(s) of Governors c/o the Clerk to the Centre. The Chair(s) of Governors will arrange a meeting with the person raising the concern for further investigation within 10 school days followed by a verbal or written response within 10 schools days.

The Headteacher(s)/Chair(s) will inform the person raising the concern as soon as practical should a longer timeframe be required.

#### **Stage Three: Complaint Heard by Governing Bodies' Complaints Appeal Panel**

The Complainant should write to the Chair(s) of Governors for the Cotham learning community and/or the Redland Green learning community c/o the Clerk to the Centre at [clerk@redlandgreen.bristol.sch.uk](mailto:clerk@redlandgreen.bristol.sch.uk).

The Clerk will acknowledge receipt of the complaint within 5 school days.

The Chair(s) will ask the Clerk to convene a Governors' Appeal Panel if appropriate, to hear the appeal within 20 school days from receipt of the complaint.

The Governors' Complaints Appeal Panel will provide a written response within 10 school days of the appeal hearing.

The Chair(s) of Governors/Clerk will inform the complainant as soon as practical should a longer timeframe be required.

#### **Stage Four: Right of Appeal to the Secretary of State for Education**

The Complainant should refer the complaint to the Secretary of State for Education. Further details can be found at <https://www.gov.uk/complain-about-school>.

## APPENDIX 2 – COMPLAINTS FORM – STAGE TWO OF THE COMPLAINTS PROCEDURE

Please complete and return to the Clerk to the North Bristol Post 16 Centre at [clerk@redlandgreen.bristol.sch.uk](mailto:clerk@redlandgreen.bristol.sch.uk). The Clerk will acknowledge receipt and explain what action will be taken.

Your name:	
Student's name (if appropriate):	
Your relationship to the student (if appropriate):	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response):	
What actions do you feel might resolve the problem at this stage:	
Are you attaching any paperwork? If so, please give details:	
Signature:	
Date:	
<b>Official use</b>	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	



### **APPENDIX 3 – ORDER OF THE COMPLAINTS APPEAL PANEL HEARING**

- 1 Chair effects introductions
- 2 The Complainant makes submission
- 3 Questions asked by Headteacher(s)
- 4 Questions asked by Panel
- 5 Complainant may call in relevant people to clarify their position, these people can be asked questions
- 6 Headteacher(s) makes submission
- 7 Questions asked by Complainant
- 8 Questions asked by Panel
- 9 Headteacher(s) may call in relevant people to clarify their position, these people can be asked questions
- 10 Complainant sums up their complaint
- 11 Headteacher(s) sums up the school's actions and response to the complaint
- 12 Chair asks both sides to withdraw
- 13 Panel make decision
- 14 Both sides informed of outcome