



Complaints Policy and Procedure

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| This policy applies to : | Students, parents, employers, residents, schools |
| Author/Department: | Deputy Principal |
| Area/Person responsible: | Deputy Principal |
| Date approved: | July 2019 |
| Related Documents/ Policies: | |
| Date of Next Review: | September 2021 |

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| Date of most recent review: | September 2019 |
| Changes made: | Inclusion of reference to Stamford Park Trust |

The Equality Act 2010: The Equality Duty

The college has a duty to consider the needs of all individuals in our day-to-day work – in shaping policy, in delivering services and in relation to our employees. The Equality Duty has three aims, which require the college to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

| Does the policy support the aims of the Equality Duty? | Yes | x | No | | N/A | |
|--|-----|---|----|--|-----|--|
| If no, please state which groups may be affected and complete a full equalities impact assessment (guidance and forms available on the intranet) | | | | | | |
| Impact Assessment Reference: | | | | | | |

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| Initial Impact Assessment Completed | |
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| Review of Policy | |
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Contents

| | | |
|-----------|--|----------|
| 1 | Aims | 2 |
| 2 | Legislation and guidance | 3 |
| 3 | Definitions and scope | 3 |
| 4 | Roles and responsibilities | 4 |
| 5 | Principles for investigation | 4 |
| 6 | Stages of complaint (not complaints against the headteacher or governors) | 5 |
| 7 | Complaints against the principal, a governor or the governing board | 6 |
| 8 | Referring complaints on completion of the college’s procedure | 7 |
| 9 | Persistent complaints | 7 |
| 10 | Record keeping | 8 |
| 11 | Learning lessons | 9 |
| 12 | Monitoring arrangements | 9 |
| 13 | Links with other policies | 9 |

1 Aims

The college aims to meet its statutory obligations when responding to complaints from students, parents and members of the community.

The Stamford Park Trust has approved the following policy relating to the investigation of complaints relating to Ashton Sixth Form College and all references to governors and the governing board relate to the Local Governing Body.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants’ desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into college improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The college will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the college website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2 Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the college.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3 Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The college will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The college intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from students and parents of students with special educational needs (SEN) about the college’s support are within the scope of this policy. Such complaints should first be made to the Head of Inclusive Learning; they will then be referred to this complaints policy. Our Inclusive Learning Policy includes information about the rights of students and parents of students with disabilities who believe that the college has discriminated against them.

Complaints about services provided by other providers who use college premises or facilities should be directed to the provider concerned.

4 Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the college throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the principal or complaints panel which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints panel meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Panel chair

The panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case

5 Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next college teaching day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6 Stages of complaint (not complaints against the principal or governors)

6.1 Stage 1: informal

The college will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the principal, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the college reception on 0161 330 2330 or email comps@asfc.ac.uk.

The college will acknowledge informal complaints within 5 college teaching days, and investigate and provide a response within 20 college teaching days.

The informal stage will involve a meeting between the complainant and the relevant head of department, and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the principal and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the college reception on 0161 330 2330 or email comps@asfc.ac.uk.

The principal (or other person appointed by the principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 college teaching days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 10 college teaching days.

6.3 Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the Academy Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the college. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the college.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the college, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the college representative(s) will be given the chance to ask and reply to questions. Once the complainant and college representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Academy Trust and principal.

The college will inform those involved of the decision in writing within 10 college teaching days.

7 Complaints against the principal, a governor or the governing board

7.1 Stage 1: informal

Complaints made against the principal or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the principal or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

If the complaint is not resolved informally, it will be escalated to a formal complaint.

7.2 Stage 2: formal

The chair or vice-chair of the governing board will consider the complaint at the formal stage, and will carry out the steps in stage 2 (set out in section 6 above), however if the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing body in writing within 10 college teaching days.

7.3 Stage 3: review panel

The panel will be appointed as per the steps in stage 3 (set out in section 6 above) unless the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, in which case a panel of independent governors will hear the complaint. They will be sourced from other local academies and/or the local authority, and will carry out the steps at stage 3 (set out in section 6 above).

8 Referring complaints on completion of the college's procedure

If the complainant is unsatisfied with the outcome of the complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the college. The ESFA will not overturn a college's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the college did not comply with its own complaints procedure
- Whether the college was in breach of its funding agreement with the secretary of state
- Whether the college has failed to comply with any other legal obligation

If the college did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the college's complaints procedure is found to not meet regulations, the college will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>.

9 Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the college's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on college time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the college in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the college site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the college receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the college, the college may respond to these complaints by:

- Publishing a single response on the college website
- Sending a template response to all of the complainants

If complainants are not satisfied with the college's response, or wish to pursue the complaint further, the normal procedures will apply.

10 Record keeping

The college will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a college inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and retention and disposal policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the college will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11 Learning lessons

The governing board will review any underlying issues raised by complaints with the principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the college can make to its procedures or practice to help prevent similar events in the future.

12 Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the PA to the Principal.

This policy will be reviewed by the principal and the senior leadership team every 2 years.

At each review, the policy will be approved by full governing board.

13 Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Retention and disposal policy