



Complaints Procedure

1. Summary included in the College Prospectus

COMPLAINTS PROCEDURE (Summary)

From 1 September 2003 Governing Bodies of all maintained schools/colleges in England are required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school/college and to any community facilities or services that the school/college provides. The college has appointed a Complaints Co-ordinator to ensure that complaints are dealt with as swiftly and efficiently as possible and that the process follows the set procedure, which will be confidential, impartial and non-adversarial.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In the event of a complaint, parents should first discuss the matter informally with the relevant member of staff at the college. If a complainant indicates that s/he would have difficulty discussing a complaint with a particular member of staff, the college will respect their view. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member. If it is not resolved in this way, parents should contact the Principal in writing; the complaint may be delegated for investigation. If still unresolved, parents have the right to appeal to the Chair of Governors. The LA also has a procedure by which the problem can be pursued.

Generally, experience shows that most cases can be settled amicably through discussion directly with the staff. Misunderstandings do occur but the staff are ready to help at any time. Not only do we wish to resolve complaints quickly and satisfactorily but we welcome feedback from parents at all times.

***A copy of the full policy and a Complaint Form are available from
the Complaints Co-ordinator at the College***

CLYST VALE COMMUNITY COLLEGE

Complaints Procedure

Date:	1998
Reviewed:	September 2010
	March 2014
Date approved by Governing Body:	21.09.2010 17.03.2014
Review Schedule:	Every 2 or 3 years
Next review Date:	Spring 2016
Responsibility:	Full Board

[N.B. a summary of this policy is available]

COMPLAINTS PROCEDURE

Overview:

From 1 September 2003 Governing Bodies of all maintained schools/colleges in England are required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school/college and to any community facilities or services that the school/college provides. The law also requires the procedure to be publicised.

The Governing Body's complaints procedure does not replace the arrangements made for complaints about the curriculum or collective worship in a school/college. In addition, there are certain complaints which fall outside the remit of the Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures.

It is recommended that the Governing Body ensures that any third party providers offering community facilities or services through the college premises, or using college facilities have their own complaints procedure in place.

The underlying principle is that concerns ought to be resolved, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

Initial Concerns

(Informal Stage)

Concerns should be raised as soon as possible after the event. All staff are happy to talk about concerns and will take them seriously. Where a concern is brought to the College's attention at an early stage it can often be resolved with a single conversation without the need for formal procedures. Sometimes an issue is more complex and will take more than one discussion to resolve. If discussions do not resolve the complainant's concern, the issue may progress to a formal complaint.

Investigating Complaints:

The College Complaints Co-ordinator will ensure that complaints are dealt with as swiftly and efficiently as possible, act as point of contact and ensure that the process follows the set procedure, which will be confidential, impartial and non-adversarial.

S/he will:

- Gather records and any necessary information to investigate the matter.
- establish **what** has happened so far, and **who** has been involved
- contact the complainant for further information if necessary to clarify the nature of the complaint and what remains unresolved

- clarify what the complainant feels would put things right
- investigate the matter Track the resolution of the informal stage to ensure that the matter is resolved or proceeds to the next stage.

Formal Stages

Stage 1: Complaint Heard by Member of Staff (other than the subject of the complaint)

If a complainant indicates that s/he would have difficulty discussing a complaint with a particular member of staff, the College will respect their view. In these cases, 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.

If a member of staff has been directly involved at an earlier stage they should not lead on the resolution of a complaint. The Complaints Co-ordinator will refer the complainant to another staff member. The member of staff may be senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Complainants should not address their first approach to a governor. If Governors' should receive such communications they should refer the complainant to the appropriate person and advise them about the procedure. *Governors cannot 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 2: Complaint Heard by the Principal

If the complaint has not been resolved at Stage 1, and the complainant wishes to take the matter further, the College's Complaints Co-ordinator will ask the complainant to confirm the complaint in writing to the Principal (*or Chair of Governors if the complaint is about the Principal*) and it will be acknowledged in writing. It should take no more than four school/college weeks to investigate the initial concern.

However, there may, on occasion, be the need for some flexibility; for example:

- The possibility of further meetings between the complainant and the member of staff directly involved.
- Further investigation may be required by the Principal after a meeting with the complainant.

The Principal (*or Chair*) will copy relevant papers to any member/s of staff named in the complaint. After completing the investigation, the Principal (*or Chair*) will decide on the action to be taken. If a resolution is not reached within 4 school/college weeks the complainant should be contacted to keep them informed on progress.

Stage 3: Complaint to the Governing Body's Complaints Appeal Panel

An unsatisfied complainant can progress a complaint to the next stage, providing there are sufficient grounds to do so.

The complainant should write to the Chair of Governors (*c/o the College*). Enclosed with the letter should be a copy of the written complaint submitted at the earlier stages, indicating which matters remain unresolved. The Chair, or a nominated Governor, will convene a Complaints Appeal Panel, consisting of three members of the Governing Body, and instruct the Clerk to set the date, time and venue of the hearing, ensuring that the date is convenient to all parties and that the venue and proceedings are accessible.

The Clerk to Governors' will collate any written material and send it to the parties in advance of the hearing. The Principal will have no more than ten school/College days to respond to a formal complaint to Governors through the Clerk, although again there may, on occasion, be the need for some flexibility.

Any documents from either the complainant or the Principal to be considered by the panel, and the names of any witnesses who might attend, must be received by the Complaints Co-ordinator at least ten school/college days before the meeting. Copies of all papers submitted

plus the agenda will be sent to the Complaints Appeal Panel members, complainant, Principal, Chair of Governors [and Director of CYPS] at least five school/college days before the meeting date. The Principal will copy relevant papers to any member/s of staff named in the complaint.

The appeal panel meeting will be conducted in private and proceedings will be recorded by the Clerk, who will also notify all parties of the panel's decision as soon as possible after the meeting.

The panel Chair (chosen by the panel) will conduct the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout. Statements should be made through the Chair and not directed at individuals.

The panel will consider the complaint on the basis of the papers they receive and what is said at the meeting. In the event of either party not attending the meeting, the panel Chair has discretion to proceed, or to adjourn, at any stage.

The Complaints Appeal Panel may decide to:

- dismiss the complaint in whole or in part; stating reasons for doing so
- uphold the complaint in whole or in part; stating reasons for doing so
- 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.

No further appeal to the governing body is available in the matter of the complaint. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Stage 4: Complaint to the Local Authority

If the complainant wishes to pursue the matter further, the local authority (Devon County Council) will only consider the case if the complaint is one deemed relevant under Section 29 of the Education Act 2002. Such a request must be addressed to the Director of Children and Young People's Services (CYPS) and is received within fifteen days of the date of the letter from the clerk giving the outcome of the meeting.

The local authority has a statutory responsibility to consider a relevant complaint about the curriculum which has not been resolved by the Governing Body.

It may be difficult to agree whether a complex complaint is subject to the statutory arrangements for curriculum complaints. The Director of CYPS will therefore take the advice of the County Solicitor as to whether the complaint may be considered.

There is no further appeal to the local authority.

Stage 5: Complaint to Secretary of State or Local Government Ombudsman

If a complainant wishes to pursue the complaint s/he has recourse to the Local Government Ombudsman or the Secretary of State for Education.

The County Council will advise on the procedure to be followed in those cases.

2. Complaints Form

CLYST VALE COMMUNITY COLLEGE

Complaint Form (Formal stages)

Please complete and return to Linda Smith (complaints co-ordinator) at the College, who will acknowledge receipt and explain what action will be taken.

Your name: <i>(please print)</i>
Student's name: <i>(please print)</i>
Tutor Group:
Your relationship to the student:
Address: <i>(please print)</i>
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:

Official use

Date of receipt of form:

Date acknowledgement sent:

By whom:

Other supporting documents requested:

Complaint referred to: Date:

Date letter of resolution sent: