



## Policy for

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### COMPLAINTS

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## Responsibility

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**All Staff**

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## Aims

To resolve the complaint, whether it be made by phone, in person, by email or in writing by letter as quickly and as helpfully as possible. Ask the complainant at the earliest stage what they think might resolve the issue. Remember that an acknowledgement that the College could have handled the situation better is not the same as an admission of unlawful or negligent action.

## Guidelines

### PROCEDURE for STAFF WHEN IMPLEMENTING THE COMPLAINTS POLICY

#### 1. INTRODUCTION

A complaint is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the College but not being employed at the College or part of the Governing Body. The complaint could be about the standard of teaching, or about the conduct, actions or omissions of members of the support or teaching staff employed at the College.

It is tempting to say that anonymous complaints should be disregarded unless somebody is prepared to substantiate them. The danger in this is that they may be related to something quite serious and, if the foreseen eventuality occurs, to the detriment of the College, the complaint may surface and the claimant subsequently say "well, I may not have put my name to it, but I did at least warn them it was going to happen." Such complaints should be left to the Principal's discretion to decide whether the gravity of an anonymous complaint warrants its investigation.

It is widely accepted as good practice that every effort should be made to resolve complaints by informal means. However, complainants should be informed that formal procedures are available in certain circumstances should they feel that their concerns cannot be resolved informally.

The investigation of any complaint will be kept confidential at all stages and any papers provided to those investigating, or adjudicating on complaints will be marked confidential and destroyed, except for the file copy which itself will be confidential (See Para. 11)

#### 2. PRELIMINARY STAGE

Complaints are not always easy to define. It is therefore important to keep in mind the distinction between concerns, problems and complaints. They often arise from the consequences or perceived consequences of resource allocation, operation difficulties, working practice or individual action. It is not intended that the guidelines suggested in this document should replace the normal discussion which takes place on day to day problems and concerns as they arise. Such discussion would ordinarily involve the subject teacher, form tutor, Head of Year and if necessary Head of Faculty. It is only where the complainants remain dissatisfied with the outcome of such discussion that further steps may need to be taken. At this point the complainant should be referred to Mr Patrick Sullivan, Assistant Principal.

## Implementation

#### 3. INFORMAL STAGE

The main aim at all stages of these guidelines will be to secure that the complaint is fully considered and is resolved to the satisfaction of the complainant, or that a clear decision is issued such as will enable the complainant to consider how, if at all, the matter should be taken further.

The timescale for dealing with individual complaints will differ according to the complexity of the issue concerned. It is reasonable that persons seeking to resolve matters of concern to them, unless there is good reason not to do so, should receive an acknowledgement or response **within five working days** of making initial contact.

A degree of discretion by the Assistant Principal should always be allowed in dealing with complaints. It may not be appropriate in all situations to advise all complainants to put their concerns in writing. In some cases this would over formalise the situation which would have the effect of pushing people into defensive and possibly entrenched positions for which it would be difficult to achieve a resolution. On the other hand, requesting a complainant to commit their concern to paper may help to clarify the issue, particularly with a frequent complainant.

Further attempts to resolve the issue informally, if not achieved by discussions with the Assistant Principal, might involve the discussion of the matter by the complainant with the Vice Principal. However, it is not appropriate for complainants to keep being asked to return for further informal discussion. If the issue remains unresolved to the complainant's satisfaction, he/she should be advised of the avenues available to enable the complaint to be resolved formally. Those dealing with complaints should consider whether or not to invite to the informal discussion any staff member named as involved in the matter. However, hostile confrontation and entrenched defensive positions will not aid resolution of the problem, and should be avoided.

**Within 10 working days** the Assistant Principal should have considered the complaint in full and will then respond in writing to the complainant, referring to the College procedures for making complaints. They outline the next stage, in the event that they remain unsatisfied with the response.

The Assistant Principal has a duty to inform the Principal if any issue is not resolved after discussions and careful explanation to the complainant. In the absence of the Principal urgent complaints will be dealt with by the Vice Principal.

Senior staff will use their professional judgement in sharing with staff information concerning complaints. However, a member of the teaching staff or support staff has a right to be informed if a serious complaint is made against him or her, and may wish to consult their professional association or legal advisor in defending themselves. It is important to remind all staff involved about the importance of maintaining confidentiality at all times during the complaints process.

#### **4. OUTCOME OF THE INFORMAL STAGE**

When these informal processes have been exhausted, complainants should be informed clearly, by the Assistant Principal, that the matter about which the complainant had raised concerns had been dealt with within the context of established College policies and procedures; or he/she will take steps to resolve the complaint within his/her management remit; or he/she will refer the matter formally to the Principal if the nature of the complaint merits that course of action in their professional judgement. Details of the complaint and the outcome must be held on file and kept confidential by the Principal's PA.

#### **5. FORMAL STAGE**

If, on being informed of the outcome, the complainant remains dissatisfied, they should be referred to a copy of the parental complaints procedure which outlines the next steps they should take, as outlined below:

If the complainant is dissatisfied with the action from the Assistant Principal, or, the complaint is about the Vice Principal, then the complainant must write a letter (if they have not already done so) detailing the complaint and addressed to the Principal.

If the Principal has already been involved and they are still dissatisfied, the letter should be addressed to the Chair of Governors c/o The Clerk to the Governors at the Ernest Bevin College address.

The Principal or Chair of Governors will decide whether the complaint should be dealt with by letter or by a formal meeting. If it is decided to convene a formal meeting, complainants will be advised that they may, if they wish, have someone of their choice to accompany and assist them at the formal meeting.

Where possible the formal meeting will take place within **10 working days** of the initial formal complaint being received. At this point the complaint will be considered in full and the Principal/Chair of Governors will then respond in writing to the complainant within **5 working days**, referring to the College procedures for making complaints. They outline the next stage, in the event that they remain dissatisfied with the response.

## **6. GOVERNING BODY PANEL HEARING**

If, on being so informed, complainants remain dissatisfied, they should be referred again to a copy of the complaints procedure which explains that they can ask for their complaint to be heard by a panel of at least three governors, who will not have been directly involved with the complaint at that point. At least one of the panel will be independent of the management and running of the College.

Where possible the hearing will be organised within **15 working days** of the complainant informing the Principal / Chair of Governors that they are still unsatisfied, with the response from the College.

Complainants will be informed of the hearing date and advised that they may if they wish have someone of their choice to accompany and assist them at the formal meeting.

The panel will listen to the complaint and make findings and recommendations that will be final. Copies of the finding and recommendations will be sent to the Complainant, the Chair of Governors, the Principal and other appropriate interested parties.

## **7. PRESENCE OF CHILDREN AT FORMAL AND INFORMAL MEETINGS CONCERNING COMPLAINTS**

An important purpose of the College is to provide a high standard of education and pastoral care for all its students. However, it is unlikely that the resolution of a complaint within these guidelines will be assisted by the presence of students at any meeting between the Principal, Chair of Governors or other staff and the complainant. A meeting which required the presence of a student would only be one at which confidential matters or issues relating to named members of staff were not discussed. Senior staff are advised to consult parents if their child is required to clarify facts concerning a complaint and ensure that students do not participate in discussion where they might witness confrontations between adults.

## **8. COMPLAINTS ABOUT THE CHAIR OF GOVERNORS**

These should be made in writing to the Director of Education and Social Services Dept, Wandsworth Council, The Town Hall, Wandsworth High Street, London SW18 2PU for initial consideration, who will decide whether to deal with it personally, or convene a Sub-Committee of the Governing Body.

## **9. COMPLAINTS MADE DIRECT TO THE GOVERNING BODY**

The Governing Body is responsible for the overall conduct of the College and is the employer of all staff in the College. In the event of complaints being received by the Governing Body from parents and others, governors should have regard to the following:

After discussion with the Principal and Vice Principal, the Chairman of the Governing Body must be sure that all the processes outlined in these guidelines, have been exhausted and the complaint is still unresolved.

If all the procedures have not been followed then the complaint will be referred to the Principal for action as above.

If the procedures have been followed and the complainant remains dissatisfied, the Chair of Governors may decide to deal with the complaint whether personally or by a Sub-committee of the Governing Body. The complainant will then be clearly informed, as soon as is practicable, by the Chairman or Clerk to the Governors, of the decision.

## **10. COMPLAINTS REFERRED TO GOVERNING BODY BY THE PRINCIPAL**

If any matter is referred to the Governing Body by the Principal, the Governing Body may consider and resolve the matter as they decide is appropriate, taking into account all the circumstances.

## **11. RECORDS OF COMPLAINTS**

Copies of the complaint and the response from the Assistant Principals / Vice Principal / Principal / Chair of Governors must be kept in the complaints file, held by the Principal's PA. These records will be kept confidential to the Principal, Inspectors and the Secretary of State. Only information about the number of formal complaints in a previous academic year can be released to interested parties.

## **12. COMPLAINTS ABOUT AUTHORISED USERS OF THE COLLEGE FACILITIES**

The Director of Administration should advise authorised users of the College facilities to have their own complaints procedures in place.

## **13. WHEN TO CALL A HALT TO A COMPLAINT**

In cases where the complainant continues to raise the same objections in spite of the fact that the College can demonstrate that it has exhausted the procedures at its disposal and arrived at a reasonable position, it is permissible for the Chair of Governors to close the complaint. It should be made clear that it is the case, which has been closed, and not the possibility of any future communication with the complainant about other matters.

## **14. CONFLICT BETWEEN ESTRANGED PARENTS**

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' Gov.UK contains advice about how to properly approach issues concerning parental responsibility.

## **15. UNREASONABLE COMPLAINANTS**

Ernest Bevin College 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.

## **16. BARRING FROM THE SCHOOL PREMISES**

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the school premises. In serious cases, the Principal or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing to the Principal or Chair of Governors. Complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed the only remaining avenue of appeal is through the Court ; independent legal advice must therefore be sought.

**Please see attached Ernest Bevin College Complaints Form.**



**Ernest Bevin College**



