



## **Complaints Policy and Framework**

## **Contents**

- 1.0 Aims**
- 2.0 Lines of Approach**
- 3.0 Reducing Anxiety**
- 4.0 Confidentiality**
- 5.0 Anonymous Complaints**
- 6.0 Intractable Complaints**
- 7.0 Timing**
- 8.0 Further Action**
- 9.0 Training**
- 10.0 Communication with Parents and Prospective Parents**

## **APPENDIX**

**A1 – Roles and Responsibilities**

**A2 – Complaints Documents**

## **Introduction**

This policy has been produced in order to comply with the statutory requirement under The Education Act 2002 for independent centres to have a written complaints' procedure, and with subsequent directions from OFSTED.

### **1. Policy Aims**

- 1.1 A complaint is a verbal or written statement of protest or remonstrance. It is more than an expression of unease or a statement of concern, which can be handled within the normal channels of communication. A complaint is, unmistakably, a statement that requires a formal response.
- 1.2 The aim of this Policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and that it is resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents and pupils confidence in the centres' ability to safeguard and promote standards and welfare. The Flexible Learning Centre will try to resolve every concern or complaint in a positive way with the aim of resolving matters which may not have been treated entirely appropriately and, where necessary, reviewing their systems and procedures in the light of the circumstances.
- 1.3 Complaints typically emanate from one of four sources; parents and guardians, pupils, members of staff or the public. This Policy does not deal with complaints from members of staff about aspects of their work. Such complaints are regulated by the relevant sections of their contracts of employment. Complaints from members of the public will normally be treated in a similar way to complaints from parents, although certain complaints from members of the public are likely to be referred directly to the Head teacher. This Policy therefore deals mainly with the procedures regarding complaints by parents and pupils. Whilst parents will often wish to raise issues on behalf of pupils, there are other issues, which pupils may choose to raise on their own behalf and which are best raised by them.
- 1.4 It should be recognised that serious issues may be raised in an informal and friendly way, and apparently trivial issues can be raised in an adversarial manner. The manner in which a complaint is made should not determine the level of importance that is attached to a complaint.

1.5 Ofsted has directed that the details of all complaints be recorded by centres in a complaints log, along with an indication of the action which is taken and the outcome. To summarise, the aims of this policy are:

- To promote a culture that is open and welcoming.
- To demonstrate to parents and pupils that, their opinions are valued.
- To encourage parents and pupils to raise any concerns that they might have.
- To enable parents to feel comfortable in communicating with the centre.
- To enable members of staff to feel comfortable when dealing with complaints.
- To establish a means of dealing with complaints.

An effective complaints policy and procedure can diffuse problems and can also provide the centres with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaints. Even an unjustified complaint may focus attention upon an area, which may benefit from review.

## **2. Lines of Approach**

- 2.1 All members of staff should be encouraged to deal in an appropriate and professional manner with parental or pupil concerns which lie within their area of responsibility. Certain staff may need to be trained to deal with complaints.
- 2.2 If approached by parents or pupils about a matter which lies outside their remit, a member of staff should refer a complaint to the appropriate person and inform the parents or pupil(s).
- 2.3 Matters incapable of resolution at a particular level should be referred to the appropriate senior person, and parents or pupils should be kept informed of the action which is being taken. This approach would, for example, be appropriate if a complaint is made to a relatively junior member of staff about a more senior colleague. Leadership Team should recognise those occasions when an issue needs to be taken to the Head.

Some parents and pupils may wish to complain directly to the Head and there will be occasions when this course is justified. Naturally, the Head may not be able to respond until he/she has consulted the staff who can advise and assist.

Letters of complaints to the Head should be addressed to: The Head Teacher, Flexible Learning Centre, 204 Slade Road, Erdington, Birmingham B23 7RJ.

- 2.6 Written responses should always be signed by the person to whom the parent made the complaint, or by a more senior person in the centre who has dealt with the issue.

### **3. Reducing Anxiety**

- 3.1 A parent or pupil who makes a complaint may feel vulnerable and the centres should attempt to reduce anxiety by taking the matter seriously and dispelling any uncertainty as to the way in which a complaint will be handled. It will often help if:

- Information about the complaints procedure is clear.
- Complaints are acknowledged immediately or within 5 working days.

- 3.2 Staff should always inform parents what is happening as a result of their complaint and, if a detailed response is needed, the date by which it is likely to be received.

### **4. Confidentiality**

- 4.1 Confidentiality is often a crucial issue for parents, pupils and staff. It is essential that any complaint is treated both in a confidential manner and with due respect. If necessary, the policy on maintaining confidentiality may need to be explained to a complainant.
- 4.2 Complaints made by parents should not rebound unfairly on pupils; similarly, complaints raised by pupils should not rebound unfairly either upon them or upon other pupils.
- 4.3 It may sometimes be possible to deal with a problem without naming individuals. However, even if names are not provided, the source of the complaint may be clear. Care may need to be exercised in this situation and the balance between dealing effectively with a complaint on the one hand and maintaining confidentiality on the other may need to be weighed particularly carefully.

- 4.4 Staff members are invariably concerned that they should be informed of complaints which might be damaging to their reputation. Training may help staff to deal not only with complaints that are made to them, but also with complaints that are made about them. The centre should be aware of the need to provide support for members of staff against whom a complaint is made; such support could often be provided by a colleague who is not otherwise involved.
- 4.5 If there is a possibility of an issue concerning child safety or protection, or a situation which is likely to involve the police, the appropriate procedures and guidance on confidentiality must be followed particularly carefully.
- 4.6 The relevant Secretary of State, or a body conducting an inspection under section 162A of the 2002 Education Act, as amended, may have access to correspondence, statements and records relating to individual complaints; the act of granting access to the Secretary of State, or a body conducting an inspection, does not constitute a breach of the confidentiality of the relevant documents.

## **5. Anonymous Complaints**

- 5.1 Anonymous complaints occur where there is no indication as to the name or address of a complainant, or where a complainant indicates that he or she does not wish to be identified.
- 5.2 Complaints from members of the public about the behaviour of a group of pupils could, if appropriate, be dealt with on a general basis, with a reminder about the standards and expectations of a centre.
- 5.3 Parents and pupils should always be encouraged to provide their names and should be given a reassurance on the issue of confidentiality. If a complainant is adamant that they wish to remain anonymous, it is at the Head's discretion as to what action, if any, should be taken.
- 5.4 Anonymous complaints must also be recorded in the register of complaints.

## **6. Intractable Complaints**

- 6.1 In some cases it may not be possible for the Head teacher to resolve a complaint in a manner which satisfies a complainant.

- 6.2 In this event, it may be necessary to refer a complaint to the Deputy. The broad procedure would be that the Head would refer a matter within his or her sphere of responsibility to the Deputy and would inform the parents that this stage has been reached.
- 6.3 Depending on the circumstances, the Deputy may wish to deal with the matter informally or formally.
- 6.4 Under an informal approach:
- i. The Designated complaints lead may seek to deal with the matter. In such an event, the Designated complaints lead would call for a full report and for copies of all relevant documents. The Designated complaints lead would advise the complainant that this action is taking place.
  - ii. In the interest of natural justice, the Designated complaints lead would provide the parents and other parties with an opportunity to add to what has already been said and would provide a date by which the parents may expect a response.
  - iii. The Designated complaints lead may be able to offer a new approach to the matter, and this may satisfy the parents. The Designated complaints lead may offer a meeting if the parents remain troubled.
- 6.5 Under a formal approach:
- i. The Designated complaints lead would appoint two additional senior members of staff who have not been involved previously in the matter to a Complaints Panel, and would inform the parents of this action. A third member of such a Panel would need to be a person who is not involved in the management of the centre.
  - ii. The Complaints' Panel may wish to deal with the matter using any written or supplementary submissions that are relevant and could interview all parties or witnesses. The complainants may appear at the panel hearing to provide additional evidence or to clarify any issue and may be accompanied. However, a complainant will not have a right to legal representation at a panel hearing. A Complaints' Panel should reach findings and should make recommendations.
  - iii. When a decision is reached, the Designated complaints lead will provide the complainant(s), the Head and, if relevant, any persons complained about, with an electronic mail copy, or otherwise, of the findings and recommendations.
  - iv. A copy of the findings and recommendations is to be available for inspection on the centre premises by the senior member of staff and the relevant head.

## **7. Timing**

- 7.1 A complaint should be acknowledged immediately, or within 5 working days at the most.
- 7.2 A complaint which is referred to a member of staff or the Head of a centre should be dealt with within 10 working days of the complaint being received.
- 7.3 A complaint which is referred to a Designated complaints lead/Senior member of staff should be dealt with within 10 working days of the complaint being referred to the board

## **8. Further Action**

- 8.1 If a complaint has not been resolved satisfactorily within The Flexible Learning Centre, a parent may, depending upon the issue, chose to approach their lawyer, their local member of parliament, the Secretary of State for Education, OFSTED or the Independent Centres' Inspectorate.

## **9. Training**

- 9.1 Given the diverse nature of complaints, the centres should ensure through training that all staff, including support staff, know how to carry out their responsibilities. Training should cover:
- The complaints' procedures.
  - Communication skills, such as listening, questioning and calming.

## **10. Communication with Parents and Prospective Parents**

- 10.1 It is a requirement of Ofsted that a copy of this Policy is to be available on the website for The Flexible Learning Centre.
- 10.2 Parents and prospective parents are to be informed of the number of formal complaints made against each centre in the preceding centre

## **Flexible Learning Centre**

### **Complaint Procedure**

#### **Statement of intent**

Flexible Learning Centre aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that Flexible Learning provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

At Flexible Learning, the Head Teacher will be the first point of contact when following the complaints procedure.

#### **Stage one – Complaint submitted**

A complaint will be submitted on the FLC complaint form to 23 All Saints Road, Hockley, Birmingham, B18 5QB. The complaint must be made on the FLC complaint forms and submitted within 30 days of the incident to which the complaint is concerned.

Complaints must be addressed to Shamim Akhtar (complaints lead), your complaint will be confirmed within 5 working days.

#### **Stage Two Route A – Complaint made to a member of staff**

Stage two of the process will be completed within 10 school days. The member of staff can discuss the complaint with the headteacher or complaints lead in order to seek support.

If the complaint concerns the headteacher, the complaints lead should be informed and will need to handle the complaint. The complainant can then be referred to the leadership team.

The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

## **Stage Two Route B– Complaint made to the headteacher**

Stage two of the process will be completed within 10 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the headteacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the leadership team. The leadership team will seek to resolve the issue informally before moving directly to stage three of the procedure.

In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision.

Any further action Flexible Learning Centre plans to take to resolve the issue will be explained to the complainant in writing. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

## **Stage three – Complaints appeal panel (CAP)**

If the complaint hasn't been withdrawn in stage 2 the complaint will progress into stage 3. Following receipt of a stage two outcome, the complaint should be made in writing to the leadership team as a whole, this consists of; the director, the head teacher, the exams and SEN officer, health and safety officer, and the teaching and learning officer.

Written acknowledgement of the complaint will be made within five school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.

The leadership team, will convene a CAP comprising three members of the leadership team.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel. Flexible Learning Centre will consider the request but ultimately the decision is made by the leadership team.

Prior to the hearing, the chair of the CAP leadership team will have written to the complainant informing them of how the review will be conducted. The headteacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues that have been highlighted during the complaints procedure.

The meeting should allow for:

- The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
- The complainant to question the headteacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the headteacher.

Final statements to be made by both parties involved.

The complainant will receive a written response explaining the final outcome within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.