



# Complaints Policy.VI.0

<u>Last reviewed:</u>	<u>August 2020</u>
<u>Next review date:</u>	<u>August 2021</u>
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## **Aims**

Our policy is to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- publicise the existence of our complaints procedure so that people know how to contact us and make a complaint
- make sure everybody at Clover Learning Community knows what to do if a complaint is received
- make sure all complaints are investigated fairly and in a timely manner
- make sure that complaints are, where possible, resolved and that relationships are repaired
- gather information which helps us improve what we do

## **Scope**

This complaints policy details how anyone with a complaint can set about having the complaint dealt with. The policy covers complaints made by students, parents, staff and others in respect of the performance of duties or exercising of powers by the learning community, staff or directors either directly or through delegation.

To enable a proper investigation, concerns or complaints should be brought to the attention of the learning community as soon as possible. The complaints procedure will not cover complaints about incidents that happened more than three months before the complaint is made other than in exceptional circumstances where it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

All complaints will be fully investigated, sensitively and confidentially. The main aim at all stages will be to secure that the complaint is settled to everyone's satisfaction.

The person making the complaint will receive a reasoned written reply and details of action deemed necessary where appropriate.

Anyone who is the subject of the complaint has the right to know, will be informed at an early stage of the allegations made, be advised to seek advice if appropriate and have an opportunity to respond. Throughout the procedure, at all stages, complainants, directors, the head of centre, or members of staff complained against may be accompanied by a friend or supporter, or trade union representative.

It is essential; in the interests of equality and consistency that all staff and directors dealing with a complaint follow this agreed procedure.

Issues that are sent direct to other officials or persons and are then presented to the learning community for further investigation or attention will then become subject to this procedure. Complaints that are made anonymously will be noted and not acted upon.

Individual directors must not investigate complaints outside of this procedure.

## **Stages and time frames relating to a complaint:**

This procedure defines three stages:

### **Stage 1 – Informal**

1. Most complaints or possible complaints should be resolved locally in discussion with the head of centre or other staff of the learning community in the first instance.
2. The head of centre keeps a written note of informal complaints and their views and on what solution has been offered. The head of centre may wish to contact the Associations or unions for legal advice and support (staff dealing with a complaint or possible complaint should inform the head of centre, at the earliest opportunity, of the nature of the complaint and their views on a possible solution).
3. Complainants are advised to seek to fully resolve them under the informal procedure before embarking on the formal stage.
4. It is expected that the head of centre will engage the complainant in full discussion with perhaps more than one meeting in an effort to fully resolve the situation to the satisfaction of all. Meetings will need to be arranged with those complained against. If satisfaction cannot be reached, or the issue remains unresolved, then the complainant will be advised of the Formal Procedures. A written record will be kept of all meetings and discussions.
5. Should the face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage of the procedure.

## **Stage 2 – Formal**

1. The complaint should be set out in writing by the complainant and submitted to the head of centre. It is essential that any letter is accompanied by the 'Form of Complaint' to ensure that all relevant aspects are covered. (A form for this purpose is at the end of this policy.)
2. Receipt of the complaint will be promptly acknowledged (within 5 days) and the entire process (investigation and response) should be completed within 20 working days.
3. If the head of centre is the subject of the complaint, or if the complainant wants to take the matter further, the complaint will be passed to a director who will become the investigating officer and proceed to stage 3.
4. The role of the head of centre is to interview separately (giving at least three days' notice of a time and place) the complainant, those complained against and any supporting witnesses each of whom may be accompanied by one friend or supporter or trade union representative for the interview. The investigating officer will report on only the facts of the matter by the due date.
5. The head of centre will:
  - Contact the complainant to assess the situation and ascertain whether an agreement can be reached informally, reminding the complainant of the formal procedure
  - Read all the existing correspondence and secure confidentiality
  - Seek written advice from legal services and unions
  - Decide if any written statements are required and from whom, put in place systems, safeguarding against collusion, to obtain them by a due date
  - Set up interviews with three day agreed notice

## **Stage 3 – Panel Hearing**

A complaints appeal panel will be convened – those on the panel will have no previous knowledge of the complaint. The panel will consist of directors and one person independent of the running or management of Clover Learning Community. No member of the panel may have any involvement with the matter detailed in the complaint. At this stage, you will be asked to provide details of your appeal and any supporting evidence.

If possible, the Panel will resolve the complaint immediately without the need for further investigation.

Where further investigation is required, the panel will decide how it should be carried out.

At the Panel Hearing, the complainant(s) may be accompanied by one other person e.g. a relative or friend.

After due consideration of all facts they consider relevant, the panel will reach a decision and may make recommendations, which it shall complete within seven days of the meeting or Hearing or as soon as reasonably practicable. The panel will write to the complainant(s) informing them of its decision and the reasons for it within seven days of reaching this decision. This communication will also detail any further rights of appeal.

The panel's findings and any recommendations will be sent in writing to the complainant(s), the head of centre and where relevant, the person(s) about whom the complaint was made. A copy of the panel's findings and recommendations will also be available for inspection on the provisions premises by the directors and the head of centre.

All correspondence, statements and records of complaints must be kept confidential.

Those complained against will also be entitled to receive details of the outcome of the investigation at the same time as the complainant.

Should a staff member be dissatisfied with the process at any stage it is their right to take out a grievance. This grievance will be investigated in line with Clover Learning Community's grievance procedure at the conclusion of the original complaint.

## **Confidentiality**

It is essential that a complaint is dealt with in the strictest confidence and utmost professionalism by all parties. Correspondence, statements and records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them, or where any other legal obligation prevails.

## **Written records and policy review**

Written records of all serious complaints and their outcomes (including what stage they were resolved) will be kept for at least 3 years and secured securely in line with our data protection policy. The directors will review complaints annually to identify whether review or change in practice is needed so that patterns can be identified, and appropriate intervention made.

Clover Learning Community will revise and review this policy regularly.

<b>Complainant's Name:</b>
<b>Student's Name:</b>
<b>Complainant's relationship to student:</b>
<b>Address of Complainant:</b>

<b>Post Code:</b>	<b>Daytime Tel:</b>
<b>Mobile:</b>	<b>E-mail:</b>
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint?</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork to tis complaint form? If so, please give details:</b>	
<b>Signed:</b>	<b>Date:</b>