



Complaints Procedure

Policy Reference	EX004
Author	Executive Headteacher
Policy Agreed (date):	August 2023
Next Review (date):	August 2025
Approved by:	Executive Leadership Team

Contents

Contents	2
Version Control	3
1. Aims	4
2. Legislation and guidance	4
3. Definitions and scope	4
Definitions	4
Scope	5
4. Roles and responsibilities	5
The complainant	5
The investigator	5
The complaints co-ordinator	6
5. Principles for investigation	6
Time scales	6
6. Stages of complaint (not complaints against the Executive Headteacher)	7
Stage 1: informal	7
Stage 2: formal	7
How to escalate a complaint	8
Stage 3: submit the complaint to the review panel	8
Convening the panel	8
At the meeting	8
The outcome	9
Stage 3: submit the complaint to an independent reviewer	9
7. Complaints against the Executive Headteacher	10
Stage 1, 2 & 3: informal, formal and review panel.	10
8. Referring complaints on completion of the provision's procedure	10
9. Persistent complaints	10
Unreasonably persistent complaints	10
Steps we will take	11
Stopping responding	11
Duplicate complaints	11
Complaint campaigns	11
10. Record keeping	12
11. Learning lessons	12
12. Monitoring arrangements	12
13. Links with other policies	12

Version Control

Version	Author	Date	Changes
VI.0	Executive Headteacher	August 2023	First draft
VI.1	HR Director	13/08/2024	Updated to reformat and include version control and reference number. Changed reference to COO to xx
VI.2	Executive Leadership Team	September 2024	Updated to reflect changes in staffing structure.

1. Aims

The Provision aims to meet its statutory obligations when responding to complaints from parents/carers of learners at the provision, and others.

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
- Make sure 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 provision 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 provision will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the provision 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 \(Independent provision Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of learners at the provision.

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).

3. Definitions and scope

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”

- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Scope

The provision 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 and disabilities (SEND)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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

4. Roles and responsibilities

The complainant

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

- Follow these procedures
- Cooperate with the provision throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

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 Executive Headteacher or complaints committee, which includes the facts and potential solutions

The complaints co-ordinator

The complaints co-ordinator can be:

- The Executive Headteacher
- HR Director
- Head of Centre
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members and the Executive Headteacher.
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

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

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 timeframe 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 first provision day after the holiday period.

If at any point we cannot meet the timescales 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 Executive Headteacher)

Stage 1: informal

The provision 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 Executive Headteacher as appropriate, 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 ELT HQ on 01225 592763.

The provision will acknowledge informal complaints within 5 provision days, and investigate and provide a response within 5 provision days.

The informal stage will involve a meeting between the complainant and the Head of Centre or member of SLT as appropriate.

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

Stage 2: formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

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

If complainants need assistance raising a formal complaint, they can contact ELT HQ on 01225 592763.

The Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 provision days.

The Executive Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the provision of the identity of their companion in advance.

In certain circumstances, the provision may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the provision will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Executive Headteacher (or other person appointed by the Executive Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 provision days.

How to escalate a complaint

Complaints can be escalated by contacting a member of the Executive Leadership Team

- By letter or email; complaints@tbap.co.uk
- Over the phone; 01225 592763
- In person
- Through a third party acting on behalf of the complainant

The ELT will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The ELT will nominate an appropriate member of the SLT or ELT to investigate the complaint.

The written conclusion of this investigation will be sent to the complainant within 10 provision days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the ELT in writing within 5 working days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The ELT will acknowledge receipt of the request within 5 provision days.

Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of three members of the senior leadership team, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see [Record Keeping](#)).

If there are not enough impartial members available, we will seek panel members from the local authority. We will make sure the members we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel. The ELT member will aim to find a date within 10 provision days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, a date will be set by the panel. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 3 provision days before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the provision, 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 by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a provision employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

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 provision representative will be given the chance to ask and reply to questions. Once the complainant and provision representatives have completed presenting 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 subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Executive Headteacher.

The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the provision's systems or procedures to prevent similar issues in the future

The provision will inform those involved of the decision in writing within 15 provision days.

Stage 3: submit the complaint to an independent reviewer

The independent reviewer is appointed by or on behalf of the proprietor. This person must not, at any time, have been a member of staff or supply staff at the provision, and must not have been the parent of a registered or former registered learner at the provision. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the provision, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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 independent reviewer, the complainant and the provision representative(s) will be given the chance to ask and reply to questions.

The complainant, proprietor/Executive Headteacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

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

7. Complaints against the Executive Headteacher

Stage 1, 2 & 3: informal, formal and review panel.

Complaints made against the Executive Headteacher should be directed to the HR Director in the first instance.

8. Referring complaints on completion of the provision's procedure

If the complainant is unsatisfied with the outcome of the provision's complaints procedure and the complaint is regarding the provision not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Learner welfare and health and safety
- Provision premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of learners

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at learner welfare and health and safety, and make sure that the provision deals with serious failings.

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

<https://www.gov.uk/complain-about-provision>

9. Persistent complaints

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 provision's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on provision 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 provision 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 ter
- 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 our provision site.

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 that 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.

Complaint campaigns

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

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

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

10. Record keeping

The provision 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 provision 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 record retention schedule.

11. Learning lessons

The ELT will review any underlying issues raised by complaints with the Executive Headteacher, where appropriate, and respect confidentiality, to determine whether there are any improvements that the provision can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

At each review, the policy will be approved by the executive leadership team.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report