

GENERAL COMPLAINTS POLICY

COMPLAINTS POLICY AND PROCEDURE

Introduction

1. The following procedures are to be applied in considering complaints about the College.

It is a condition of this Procedure that, unless the Governing Body agrees that special circumstances exist, no complaint may be brought after a period of three (3) months has lapsed since the circumstances giving rise to the complaint first came to the notice of the complainant.

2. The procedures do not cover complaints about the actions of individual staff or the Principal. If in the course of consideration of a complaint, it is decided that disciplinary proceedings should be initiated, separate action will be taken as appropriate.
3. The complainant may make his or her representations at each stage of the procedures in person, accompanied by a colleague/representative if so desired. Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.

4. The procedures consist of three main stages:

Stage 1 - informal discussion with the Principal;

Stage 2 - formal written complaint to the Principal;

Stage 3 -referral of the complaint by the Principal to the Governing Body.

Further recourse beyond Stage 3 then lies with the Department for Education (DfE).

It should be noted, however, that the DfE will not consider complaints or matters covered by the procedure until the previous stages have been exhausted.

(See appendix 1 for a flowchart showing correct procedures to be followed)

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STAGE 1

5. The DfE expects that any concerns expressed by parents will, in the first instance, be dealt with in informal discussion with the Principal. If the complainants are dissatisfied with the outcome, they may then submit a formal complaint to the Principal as described in Stage 2.

STAGE 2

6. Complainants must set out their complaint in writing to the Principal, making it clear that the complaint is formal, and specifying its nature as exactly as possible and any steps taken previously to attempt to rectify the situation.
7. If in the Principal's view the complaint falls outside the scope of the procedures (see paragraph 2 to 4), the Principal will advise complainants in writing of any other recourse they may have.
8. The Principal will consider complaints quickly, and in any event, will inform the complainant in writing within 10 school days (A school day being defined as a day when the College is normally in session) of:
 - (a) the decision reached, and the reason for it; and
 - (b) any action taken or proposed.
9. If the complainant is dissatisfied with the Principal's response or has not received a decision within the time limit imposed in paragraph 8, the Principal must refer the matter to the Governing Body or Panel of it via the Clerk to the Governing Body (see Stage 3).

STAGE 3

10. Upon receipt of a complaint referred by the Principal, the Clerk will write to the complainant with details of how the Governing Body or Panel of it will consider the complaint, and of the complainant's rights as explained in paragraph 3 and the paragraphs below.
11. The Clerk will convene a meeting of the Governing Body or Panel of it to consider the complaint within 12 – 20 school days of receipt. The Clerk will give the complainant a minimum of 7 ordinary days notice of the date, time and place of the meeting; any reasonable request made by the complainant for an alternative date may result in a mutually convenient alternative date being set at the earliest possible time. Complainants who do not wish to attend a meeting may present the complaint in writing to the Governing Body or Panel. Complainants must, however, submit any such material to the Clerk no later than 2 school days before the meeting.
12. When a panel is appointed this will be made up of at least three people who are not directly involved in the matters detailed in the complaint with one panel member independent of the management and running of the College.
13. Subject to paragraphs 14 and 15, the Principal - accompanied by a representative if he or she wishes - may be present at the meeting of the Governing Body or Panel of it that is convened to consider a complaint.

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14. Where complainants choose to attend in person, the usual order of proceedings shall be as follows:
 - (a) The Chairman of the Governing Body or Panel of it will welcome the complainant and any representative and introduce those present.
 - (b) Complainants may, if they choose, restate the nature of the complaint.
 - (c) Complainants may be asked questions by the Governing Body or Panel of it and by the Principal.
 - (d) The Principal may be asked to make a statement to the Governing Body or Panel of it regarding the matter complained of, and may be asked questions by the Governing Body or Panel or by the complainant.
 - (e) Complainants may, if they choose, summarise the complaint.
 - (f) The Principal, complainant and any colleague/representative they brought will be asked to leave.
15. The Governing Body or Panel of it shall consider the complaint at the meeting and any relevant information or factors. They shall only reach a decision after the Principal and where relevant, the complainant and any colleague/representative, have withdrawn. The Governing Body or Panel shall decide whether or not to:
 - (a) reject the complaint; or
 - (b) uphold the complaint; or
 - (c) investigate the complaint further.
16. The Clerk shall inform the complainant and the Principal in writing within 5 school days of:
 - (a) The decision reached by the Governing Body or panel under paragraph 15 and the reasons for the decision.
 - (b) Where the Governing Body's response has failed to satisfy the complainant, the fact that further recourse lies in a complaint to the Secretary of State.
However, it should be pointed out that the Secretary of State's powers do not extend to reviewing decisions of the Complaints Panel. The Secretary of State only has the power to decide whether the Governing Body concerned has acted reasonably or is in default of its statutory duties.
17. Where under paragraph 15 the Governing Body or panel of it decides to investigate the complaint further, the Clerk shall inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the Governing Body or committee shall be subject to the provisions described above in so far as they are relevant.
18. The Secretary of State may require the Governing Body to make annual returns to the Department for Education giving the number of formal complaints dealt with and their outcomes. These returns will not, however, identify individual complainants.

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19. If you have any questions about the procedures described above, you may wish to contact the Clerk to the Governors/the person nominated by the Chair of Governors who will be able to advise you further.

Ratified by the Governing Body at the Full Governing Body Meeting on 31st March 2014.

Complaints Procedure Flow Chart

