

COMPLAINTS POLICY

Policy area: 1 – Quality Assurance
Date last revised: August 2016

Date established: October 2014
Date of next revision: September 2017

This policy will be reviewed in full by the Board on a yearly basis, or more frequently if there are changes in policy. This policy is awaiting Board review and sign off. It is due for review in September 2017.

Signed

David Shandley
Head of College
Date:

Signed

Ben Toettcher
Board Chair
Date:

Overview

Policy statement

We value feedback, as it is an important indicator of how we are doing and where we can improve. We handle all concerns and complaints sensitively, thoroughly and promptly. At Newland College we define a *concern* as an issue raised apprehensively with the hope of receiving clarification, and a *complaint* as an expression of dissatisfaction with an area of life within Newland College, with the hope of receiving a resolution.

Purpose

Newland College prides itself on the quality of the teaching and pastoral care provided to its students. However, if a parent/guardian or a member of the wider

community does have a complaint, they can expect it to be treated by the college in accordance with this policy and procedure. This includes representatives of ex-students. Newland College will maintain a written record of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

Applicability

This policy applies to all staff, parents, students at Newland College and the general public.

Statutory guidance

This policy is aligned with the statutory regulations set out in:

The Education Act 2002

<http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Education (Independent School Standards) (England) Regulations 2003, 2010 and 2014

http://www.legislation.gov.uk/uksi/2003/1910/pdfs/uksi_20031910_en.pdf

http://www.legislation.gov.uk/uksi/2010/1997/pdfs/uksi_20101997_en.pdf

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Revised Independent School Standards (Jan 2015)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389467/Revised_independent_school_standards.pdf

and with reference to the Department for Education's Best Practice Advice for School Complaints (January 2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf

Access

This policy is available on the Newland College website and is available on request from the college office. We also inform parents and guardians about this policy when their children join Newland College, through our newsletters and our website.

The policy is also provided to all staff (including temporary staff and volunteers) at induction alongside our Code of Professional Conduct.

Failure to comply

Failure to handle complaints as stipulated in this policy will result in intervention by the Senior Leadership Team.

Complaints policy

1 General principles

- 1.1 Newland College pays serious regard to the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage, the college seeks to reduce the number of concerns that develop into formal complaints.
- 1.2 Formal complaints will always follow the complaints procedure. This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal action.
- 1.3 The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended college provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.
- 1.4 The person raising an issue can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential (for three years) except in so far as disclosure is required by law or in the course of the college's statutory inspections.

2 What we will do and how long it will take

- 2.1 We expect concerns or complaints to be raised as soon as possible after an incident arises. We will deal with your complaint fairly and aim to do our best to resolve it as soon as possible, dealing with each point you raise. We will also ensure that you have adequate time to respond to us throughout every stage of a complaint.
- 2.2 We aim to:
 - respond to your verbal complaint or your complaint in person within 24 hours, even if it cannot be entirely resolved within 24 hours. To prevent any later challenge or disagreement over what was said, brief notes of these meetings and telephone calls will be kept.
 - follow up your written complaint within seven working days of receipt and explain how we propose to proceed. Should the complaint be received during the holiday period or just before, we will contact you within three working days of our return to college if we have been unable to progress your complaint during the holiday period

- provide a full response within ten working days. Sometimes it may take longer to investigate your concerns fully. If this is the case, we will let you know when to expect a response.

3 Scope of the procedure

- 3.1 We acknowledge that a concern or complaint may be expressed in connection with any of the following:
- the actions of managerial, teaching, pastoral and other staff within Newland College
 - the planning or delivery of any aspect of the college's curriculum
 - the college's organisational arrangements, including student grouping into classes
 - the provision of facilities for individual staff or students
 - the implementation of pastoral arrangements, as required by the Children Act 1989
 - the influence of the college's presence on others, both at its location and in other places to which staff and students travel in the course of work and recreation.
- 3.2 Please note that no complaint may be brought under the procedure in relation to the non-payment of any sum(s) owing to the college. If a parent/guardian has a complaint regarding any action taken (or proposed to be taken) by the college as a result of his/her failure to pay any sum(s) owing to the college the parent/guardian must write to the Bursar, who will refer the matter to the Proprietor.
- 3.3 Complaints from employees of the college about the terms of their employment are dealt with through the Grievance Procedures laid down in the Staff Handbook, available in the Policies, Procedures, Handbooks and Forms folder of the Google Drive.

4 Respecting confidentiality

- 4.1 Your complaint or concern will be treated in a confidential manner and with respect. Knowledge of it will be limited to the Head of College and those directly involved. However, some information may need to be shared with others in order to solve the problem: we always consult the complainant about this first. Parents often worry that complaints made by them may rebound adversely on their children. We should like to assure you that this is not our policy and that we would take very seriously any indication that this might be happening.
- 4.2 We cannot entirely rule out the need to make third parties outside the college aware of the complaint and possibly also the identity of those

involved. This would only be likely to happen where, for example, a child's safety was at risk. Complainants are informed if this is the case.

- 4.3 Correspondence, statements and records will be kept confidential (and kept for three years before being shredded) except in so far as is required of the college by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003, where disclosure is required in the course of the college's inspection or where any other legal obligation prevails.

Complaints procedure

1 Investigating complaints

- 1.1 The person investigating a complaint must:
1. Establish what has happened so far, and who has been involved;
 2. Clarify the nature of the complaint and what remains unresolved;
 3. Meet with the complainant or contact them (if unsure, or if further information is necessary);
 4. Clarify what the complainant feels would put things right;
 5. Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 6. Conduct the interview with an open mind and be prepared to persist in the questioning;
 7. Keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.
- 1.2 At each stage in the procedure Newland College endeavours to find ways in which a complaint can be resolved, for example, acknowledging that the complaint is valid in whole or in part. In addition, Newland College will decide whether it is appropriate to offer one or more of the following:
- an apology (this could be an apology for the inconvenience experienced by the complainant);
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review college policies in light of the complaint.
- 1.3 Newland College encourages complainants to state what actions they feel might resolve the problem at any stage.
- 1.4 Newland College aims to clarify any misunderstandings that might have occurred to try to create a positive atmosphere in which to discuss any outstanding issues.

- 1.5 Complainants may request that they move onto the next stage in the complaints procedure whenever they wish.

Stage 1: informal resolution

- 2.1 It is hoped that all concerns and most complaints will be resolved quickly and informally.
- 2.2 If parents have a complaint or concern they should, in the first instance, contact their son's/daughter's teacher. In most cases, the matter will be resolved. If the teacher/parent/complainant cannot resolve the matter alone, it may be necessary for him/her to contact the Deputy Head or Head of College.
- 2.3 Newland College aims to resolve complaints informally. Should the matter not be resolved within 14 days or in the event that the teacher or Deputy Head/Head of College and the complainant fail to reach a satisfactory resolution then the complainant can move to Stage 2 (formal resolution).

3 Stage 2: formal resolution

- 3.1 If the complaint cannot be resolved on an informal basis, then the complainant must put their complaint in writing to the Head of College. The Head of College will decide, after considering the complaint, the appropriate course of action to take.
- 3.2 Teachers and the Deputy Head will keep records of written complaints on the date when they were received and reviewed, if they are involved with the complaint.
- 3.3 In most cases the Head of College will speak to the complainant, within seven working days of receiving the complaint, and will discuss the matter further. If possible, a resolution will be reached at this stage.
- 3.4 The Head of College may need to carry out further investigations.
- 3.5 The Head of College will keep written records of all meetings and interviews held in relation to the complaint.
- 3.6 Once the Head of College is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Head of College will also give reasons for the decision.

- 3.7 If complainants are still not satisfied with the decision, they should proceed to address the issue to the Proprietor or his designee who will review the situation using the same procedure as the Head of College. Alternatively the complainant may request a formal Panel Hearing (Stage 3).
- 3.8 If the complaint is about the Head of College, the complaint will be dealt with by the Proprietor.
- 3.9 If the complaint is about the Proprietor, the complaint will be dealt with by a Panel (see below).

4 Stage 3: panel hearing

- 4.1 If complainants seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should send written notice of their complaint to the Proprietor. The matter will then be referred to a Complaints Panel for consideration.
- 4.2 The Panel will consist of at least three persons who have not been directly involved in the matters detailed in the complaint. At least one member of the Panel shall be independent of the management and running of the college.
- 4.3 The Proprietor shall appoint each of the Panel members.
- 4.4 If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than three days prior to the hearing.
- 4.5 A Panel hearing will take place as soon as practicable and normally within 28 days of the Proprietor's receipt of the complaint.
- 4.6 In the case of a complaint regarding a student's suspension or exclusion, the Head of College shall have complete discretion as to whether to implement the suspension or exclusion of the student, pending the Panel's decision.
- 4.7 At least seven days before the hearing, the Head of College shall submit to the Panel a written statement setting out their own views in relation to the complainant's complaint. A copy will also be given to the complainant by the Panel.
- 4.8 Where the investigation is required, the Panel will decide how it should be carried out. If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to the complainant not later than three days prior to the hearing.

- 4.9 The Panel may conduct such interviews before the hearing as it sees fit. The Panel will arrange for the complainant to be given before the hearing either a copy of the minutes of the interviews or a summary of the comments made by the interviewees that are relevant to the complaint.
- 4.10 At least three days prior to the hearing the complainant shall submit to the Proprietor copies of all documentation they intend to reply upon at the hearing.
- 4.11 On request, the complainant shall be provided with a copy of the child's college file, if relevant and appropriate (e.g. a parent of the child makes the request).
- 4.12 The complainant may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- 4.13 If possible, the Panel will resolve the complainant's complaint immediately, without the need for further investigation.
- 4.14 The Chair of the Panel will not normally permit any person under the age of 18 or any student at the college to attend the hearing.
- 4.15 If the Chair of the Panel reasonably believes that the Panel should hear evidence from an individual in private i.e. in the absence of the complainant bringing the complaint or any third party, he/she may so decide. In these circumstances, the complainant will be given reasons for that decision. The complainant will be given a summary of the individual's evidence after the event if the Chair believes the evidence to be relevant to the complainant's complaint.
- 4.16 The Panel may make decisions by majority vote.
- 4.17 The Panel's findings in relation to the complainant's complaint shall be documented in the form of a report.
- 4.18 Within 10 days after the hearing, the Chair will send the complainant and Head of College a copy of the Panel's draft report. If the complainant believes that the Panel has not accurately summarised their complaint in the report, the complainant shall inform the Chair in writing within seven days thereafter, giving details of the alleged inaccuracies. If the Head of College believes that the Panel has not accurately summarised their views in relation to the complainant's complaint, he/she shall likewise inform the Chair in writing within seven days thereafter, giving details of the alleged inaccuracies. The Panel shall then finalise its report.
- 4.19 After due consideration of all the facts they consider relevant, the Panel will reach a decision and may make recommendations which it shall complete within 28 days of the hearing. The decision of the Panel will be final. The

Panel's findings and, if any, recommendations will be sent in writing to the complainant, the Head of College, the Proprietor and where relevant, the person about whom the complaint was made.

- 4.20 The panel can:
- Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the college's systems or procedures to ensure that problems of a similar nature do not recur.
- 4.21 The college shall maintain a record of all complainants' complaints for at least three years for regular review by the Head of College. The record shall indicate whether a complaint was resolved at the preliminary stage or preceded to a panel hearing.
- 4.22 Subject to the rules set out in this document, the Panel may regulate their proceedings as they see fit.

Vexatious complaints

- 5.1 Newland College aims to limit the number of complaints that become protracted by following this procedure. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.
- 5.2 If the complainant tries to reopen the same issue, the chair of the Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the college to respond.
- 5.3 It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure.

6 Recording Complaints

- 6.1 A complaint may be made in person, by telephone, or in writing. The Independent Schools Standards Regulations do not require informal (non-written) complaints to be recorded.
- 6.2 Written complaints will be recorded as they progress and the final outcome, including action taken as a result of the complaint (regardless of whether or not the complaint was upheld).

- 6.3 The complaint form in [Appendix A](#) will be used by the college to capture this information.

7 Board Review

- 7.1 The Head of College will report to the Board annually on the number of complaints received by the college. The Board will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of procedure, making changes where necessary. The monitoring and review of complaints by Newland College and the Board is also a useful tool in evaluating the college's performance.
- 7.2 Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the college by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003, where disclosure is required in the course of the college's inspection or where any other legal obligation prevails.

Appendix A



Newland College Formal Complaint Form

Please complete and return to the Deputy Head, who will acknowledge receipt and explain what action will be taken

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address: Post code: Day time telephone number: Evening telephone number: Mobile number:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

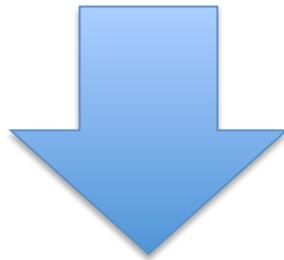
Date:

Appendix B

Summary for Dealing with Formal Complaints

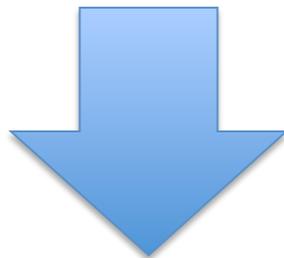
Stage 1 – Concern or Complaint heard by staff member

- Ensure Head of College is informed of outcome



*If not resolved, then escalate to **Stage 2** – Complaint heard by Head of College*

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure relevant college department informed of outcome
- Escalation to Stage 3 if complainant is still dissatisfied



*If not resolved, then escalate to **Stage 3** - Complaint heard by Proprietor and/or Complaints Panel*

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure Head of College is informed of outcome