

June 2019



## BALES COLLEGE COMPLAINTS PROCEDURE

### Legal Status:

- This policy incorporates the manner in which complaints are to be handled according to the Regulatory Requirements, Part 7, paragraph 33 (a) to (k) inclusive, of the Education (Independent School Standards) (England) Regulations.

### Applies to:

- the whole school along with the out of school care including extra curricula activities and all other activities provided by the school, inclusive of those outside of the normal school hours;
- all staff (teaching and support staff), the proprietor and volunteers working in the school including students on placement.

The record of complaints is kept for a minimum of three years.

### Timescale:

- The process of dealing with a complaint in writing from the moment that it is received by the school to resolution will take no more than twenty eight (28) working days, except in circumstances in which the normal timescales are affected by issues that delay resolution; namely school holidays and other factors.

### Availability:

- The Complaints Procedure is provided in the information for prospective pupils, parents and guardians, when a parent makes an enquiry for admission to the school.
- This procedure is also made available to parents, staff and pupils on the School website: [www.balescollege.co.uk](http://www.balescollege.co.uk) It is also made available to parents or guardians of pupils on request to the school office, during the school day, or by e-mail: [info@balescollege.co.uk](mailto:info@balescollege.co.uk)

### Other Relevant Document for Employees:

- Bales College Whistle blowing procedure

### Monitoring and Review:

- The Assistant Principal logs all complaints received by the school and records at which stage and how they were resolved. The record includes, at least: the person making the complaint, the date of the complaint, the nature of the complaint, any action taken and the outcome of the complaint.
- The Assistant Principal monitors the complaints procedure, to ensure that all complaints are handled properly, taking into account any local or national decisions that affect the complaints process, and making any modifications necessary to this policy. They also retain details of the number of complaints, registered under the formal procedure during the preceding school year.
- The Assistant Principal will undertake a formal annual review of this policy through the Senior Leadership Team for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Signed: W B Moore

Date: June 2019

Mr W B Moore  
Principal and Proprietor

## **Introduction**

This procedure is made available to parents, staff and pupils on request to the school office, during the school day, or by e-mail. The existence of the policy is clearly identified in the information provided for prospective pupils and parents. Bales College prides itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a concern or complaint, they can expect it to be treated by the School in accordance with this Procedure. The School's aims are concerned with meeting the needs of the pupils, parents and other stakeholders. Constant communication and feedback are crucial in monitoring standards and improving provision. Those who have concerns or complaints should feel these can be voiced and that they will be taken seriously.

Bales College aims to be fair, open and honest by giving careful consideration to all complaints, dealing with them as swiftly as possible. Investigations will be thorough, fair and completed in a reasonable time-frame. The complainant may not be entitled to all information regarding the investigation, but will be kept informed of the process and of the decisions reached. We aim to resolve any complaints through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. Pupils will never be penalised for making a complaint in good faith. We actively encourage strong home-school links and ensure that all staff have opportunities to discuss and understand the school's response to concerns and complaints made by parents. We also ensure that any person complained against has equal rights with the person making the complaint.

Where the person being complained about is named as the person who would be handling the complaint in these procedures, their role will be passed upwards to the Assistant Principal. The timescales indicated in the procedures below should allow for swift resolution of complaint. There will be some circumstances in which the normal timescales are affected by issues that delay resolution; namely school holidays and other factors. It is intended that all issues will be resolved within twenty-eight (28) working days of the first complaint being made.

## **The Complaints Process**

### **Stage 1 – Informal Resolution**

When a complaint is received the person receiving it will reply to acknowledge the complaint, and give a timescale for response. The person receiving the complaint must ensure that the Assistant Principal is immediately aware of the complaint.

- It is hoped that most complaints and concerns will be resolved quickly and informally. Obviously, the more information the school gives to parents the less scope there is for misunderstanding. Parents will be encouraged to give feedback, preferably to the person concerned. In most cases, discussion, explanation, further information or an apology, if appropriate, will resolve any issues. Every effort will be made to allay concerns at this stage and with the least possible formality. Our ideal is that no concern should ever become a formal complaint, as through open dialogue, a resolution should always be accomplished.
- If parents have a complaint they should contact the most appropriate member of staff, such as the child's Form teacher or the Assistant Principal
- The member of staff who is dealing with the matter will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within five (5) working days or in the event that the member of staff and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure. A note should be kept of the date a resolution was reached and the agreed nature of this.

### **Stage 2 – Formal Complaint**

When a written complaint is received the person receiving it will reply to acknowledge the complaint, and give a timescale for response. 'I am writing to confirm receipt of your complaint. The school will respond to you

within 5 working days.' The person receiving the complaint must ensure that it is sent on to the Assistant Principal immediately.

*(References to number of working days refer to term-time only)*

- If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Assistant Principal, who will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Assistant Principal will meet or speak to the parents concerned, normally within five working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Assistant Principal to carry out further investigations.
- The Assistant Principal will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Assistant Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Assistant Principal will also give reasons for his decision. A note will also be kept of when a final outcome was reached.
- Should a parent or guardian have a complaint about the Assistant Principal, who is the proprietor, an approach should first be made to Father David Ackerman. This should include the nature of the complaint and how the school has handled it so far. The recipient of the complaint is obliged to investigate the matter and will do everything possible to resolve the issue through a dialogue with the school. .
- Should the matter not be resolved within ten (10) working days or in the event that the member of staff and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 3 of this Procedure. A note should be kept of the date a resolution was reached and the agreed nature of this.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

The Principal, or if the complaint concerns the Assistant Principal, the above named person (Rev David Ackerman ) will:

- establish what has happened so far and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would resolve the issue;
- interview those involved, allowing them to be accompanied if they wish;
- conduct each interview with an open mind and be prepared to persist in questioning and
- keep notes of each interview.

When the investigation is complete, the Assistant Principal will meet the complainant to try to resolve the complaint. Any of the following may be appropriate at this point:

- An acknowledgement that the complaint is valid in whole or in part
- An apology
- An explanation
- A clarification of any misunderstanding
- An admission that the situation could have been handled better or differently
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure it will not be repeated
- An undertaking to review school Policies in light of the complaint.

### **Stage 3 – Complaints Panel Hearing**

*(References to number of working days refer to term-time only)*

- If the parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), or due to the nature of the complaint, that they do not wish to follow Stages 1 and 2 of this procedure, they will be referred to the Convenor (Mr D Ackerman), who will be appointed to call hearings of the Complaints Panel.

- The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Each of the Panel members shall be appointed by the Proprietor. The Panel Convenor, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within ten (10) working days.
- 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 five (5) working days prior to the hearing.
- The complainant, who could be parents or guardians, may be accompanied to the panel hearing by as many persons as they decide.
- If possible, the Panel will resolve the complaint immediately without the need for further investigation.
- Where further investigation is required, the Complaints Panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the Complaints Panel will reach a decision and may make findings and recommendations, which it shall complete normally within five (5) working days of the Hearing.
- A copy of the Panel's findings, and/or any recommendation and the reasons for them-will be:
  - sent by electronic mail or otherwise given to the complainant, the Assistant Principal/ Proprietor and where relevant, the person complained about;
  - available for inspection on the school premises by the Proprietor/Assistant Principal.
- The complainants will have the right of appeal to a higher authority, namely Ofsted, whose contact details are given at the end of this policy.

As far as possible, the meeting should not be delayed if the referral comes at the end of term, especially at the end of the Summer Term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the Panel as quickly as possible, especially if the complainant will already have been engaged over a longer period in attempts to put things right.

**Role of the Panel Convenor is:**

- to confirm to all parties in writing the date, time and venue of the hearing;
- to receive and distribute any documentation to be read before the hearing;
- to meet and welcome all parties as they arrive at the hearing;
- to record the proceedings and
- to notify all parties of the Panel's decision.

The wording of any letters will be agreed with the Chair of the Panel.

**The role of the Chair of the Panel is to ensure that:**

- procedure is properly followed;
- the procedure for the hearing of the complaint is explained to all parties and that they have the opportunity to put their case without undue interruption;
- the issues are addressed;
- all parties are put at ease, especially those who are unfamiliar with such a hearing;
- proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- the Panel operates in an open-minded and independent way; and
- time is given for all parties to consider 'new' evidence.

**The order of the Proceedings for hearing of the complaint:**

1. Welcome, introductions and explanation of the proceedings by the Chair.
2. The complainant is invited to explain the complaint.
3. The Assistant Principal may question the complainant.
4. The Panel may question the complainant.
5. If there are any witnesses for the complainant, each one is invited to the hearing in turn and in each case the witness is invited to speak. The Assistant Principal may then question them, followed by the Panel. In each case the witness may leave after their evidence has been given.
6. The Assistant Principal is invited to explain the school's actions.

7. If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
8. When the Chair is sure that all parties have asked all they need to, the complainant is invited to sum up their complaint.
9. The Assistant Principal is then invited to sum up the school's actions and response to the complaint.
10. The Chair explains that both parties will hear from the Panel within 3 school days following the day of the hearing.
11. Both parties leave together whilst the panel decides on the issues.

#### **Options open to the Panel:**

The Panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on an appropriate action to be taken to resolve the complaint; or
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not re-occur.

#### **After the Hearing:**

The Chair of the Panel agrees with the Convenor the wording of the letter to be sent to both parties. The Convenor will:

- ensure that the letter is sent out in accordance with the agreed time scales and procedure as stated in Stage 3 of this policy;
- write up the notes of the meeting and gives a copy to the Chair of the Panel;
- ensure that any recommendation to change school policies or procedures is put on the agenda for the full staff meeting.

The number of formal complaints, received in an academic year, is made available to parents.

#### **Confidentiality**

Parents and Guardians can be assured that all concerns and complaints will be treated seriously and confidentially. Such correspondence, statements and records relating to individual complaints, are to be kept confidential except;

- where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act - paragraph 6(2)(1) of the **Education (Independent Schools Standards) Regulations 2003** - requests access to them; or
- where any other legal obligation prevails.

#### **Record keeping for the Whole School, including Boarding**

A written record of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing is kept by the Assistant Principal, for a minimum of three years. The record includes, at least: the person making the complaint, the date of the complaint, the nature of the complaint, any action taken and the outcome of the complaint. A written record will also be kept of when a final outcome was reached. The Assistant Principal/Proprietor examines this written record on an annual basis. The school will provide, on request to Ofsted, a written record of all complaints made during a specified period and the action which was taken as a result of each complaint. Parents may contact the Assistant Principal to ask for the number of formal complaints made during the previous academic year.

#### **Child Protection**

For any complaint that involves a potential child protection issue, this must be reported immediately to the Assistant Principal Designated Member of Staff for Safeguarding (See our Safeguarding Policy for details of the procedure).

#### **Complaints from External Bodies**

Complaints from the public about the behaviour of a group of pupils will be dealt with on a general basis, with reminders to all about the school's expectations.

### **Policy for Dealing with Complaints from Staff**

Bales College aims to be a listening and responsive school. We encourage staff to inform us of their concerns while they are still minor ones, which can more easily be resolved. It is hoped that most concerns and complaints, will be resolved quickly and informally.

- All staff who have any complaint or cause for concern should speak to the Assistant Assistant Principal in the first instance. If this is not appropriate they should bring the matter to the attention of one of the Senior Leadership Team.
- A written record will be kept of all significant concerns and major complaints, the date on which they were received and the details of the subsequent investigation.
- All complaints will be investigated within fourteen days and a formal letter will always be written as 'closure', indicating how the issue has been dealt with and what the outcome is.
- When a member of staff is dissatisfied with the outcome and has discussed this with the Assistant Principal, the matter should be referred to Mr D Ackerman. In the case of an employment grievance, the procedure is outlined in the staff handbook.

### **Students or their Parents**

Boarding students can also contact the Children's Rights Director in case of problems or distress:

Office of the Children's Rights Director

Ofsted

Aviation House

125 Kingsway

London

WC2B 6SE

**Freephone: 0800 528 0731**

- Residential students can also contact the *National Care Standards Commission* regarding any complaints concerning the welfare of boarders (*as stated in Accommodation of Students Under Eighteen by Further Education Colleges 2002*).

In addition to the Complaints Procedure detailed above, parents may also make a complaint to Ofsted should they wish to, the relevant contact details are:

Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD.

Telephone: 03001231231

Web: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Ofsted may refer the complaint back to the School.