

South Devon UTC Complaints Policy

Document Control

Version	Date	Author	Notes on Significant Revisions
1.0	16 th December 2014	Ian Crews - Principal	
1.1	12 th February 2015	Ian Crews - Principal	EFA Guidance
1.2		Ian Crews	To include vexatious complaints
2.0	17 th September 2017	ESFA	Adopted new policy issued by ESFA

Owner	Author	Review Schedule	Next Review Due	Approval committee	Ratified Date
Principal	Principal	Annual	February 2016	FGPC	
Principal	Principal	Annual	February 2017	FGPC	
Principal	Principal	Annual	February 2018	FGPC	V2 brought forward

1. Introduction

The policy and procedures within this document are addressed to the Senior Management Team; to all members of staff (teaching and non-teaching staff) and to parents at enrolment interviews. A copy is also available on the website.

The policy sets out the process that the South Devon UTC will follow when handling concerns and complaints. It takes account of the Education (Independent School Standards) (England) Regulations 2014. Certain of the procedures can only be carried out during term time.

2. Scope

This policy covers most complaints that the South Devon UTC is likely to receive from parents and students, except those for which there is an alternative process such as:

- Complaints regarding special needs assessments – for which parents have a right of appeal via an SEN Tribunal
- Concerns about Admissions or Exclusions – for which parents have a specific right of appeal to the South Devon UTC Board
- Allegations of child abuse – which are dealt with through the Child Protection Policy
- Complaints raised by staff members – which are dealt with through the Grievance Procedures.

3. Values and aims

The South Devon UTC takes seriously any concern or complaint, as we believe that tackling issues at the earliest possible stage will improve our South Devon UTC, enhance learning, prevent issues escalating and reduce the number of formal complaints.

3.1 The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

3.2 **Policy Statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our culture. Parents and students should never feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the South Devon UTC. The policy however distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

4. Dealing with Complaints – Initial concerns

The procedure which follows deals with complaints but the underlying principle at the South Devon UTC is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure should not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering a service in the case of extended the South Devon UTC provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

5. Framework of Principles

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible
- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- allows swift handling within agreed time-limits for action and keeping people informed of progress
- ensures a full and fair investigation
- respect people's desire for confidentiality
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary
- provides information to the South Devon UTC's senior management team so that services can be improved.

6. Investigating Complaints

At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved
- clarifies the nature of the complaint and what remains unresolved
- meets with the complainant or contacts them (if unsure or further information is necessary)
- clarifies what the complainant feels would put things right
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conducts the interview with an open mind and is prepared to persist in the questioning
- keeps notes of the interview with due regard to confidentiality and in accordance with the Data Protection Act

7. Resolving Complaints

At each stage in the procedure the South Devon UTC will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following an:

- apology
- explanation
- admission that the situation could have been handled differently or better
- assurance that the event complained of will not recur
- explanation of the steps that have been taken to ensure that it will not happen again
- undertaking to review the South Devon UTC policies in light of the complaint

The South Devon UTC will encourage complainants to state what actions they feel might resolve the problem at any stage.

8. Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, Chair of the South Devon UTC Board of Governors is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

9. Publication and circulation of the Complaints Procedure

The South Devon UTC Board of Governors will publicise the complaints policy and procedure in:

- the information given to new parents when their children join the South Devon UTC
- the South Devon UTC website

It will be available on request from the South Devon UTC.

10. Complaints Procedure

This policy describes a four stage procedure:

Stage 1: Concerns (Informal Complaints)

Concerns will be dealt with by the member of staff best placed to address the issue who will undertake an investigation of the situation.

When concerns are received by telephone it is the role of the receptionist to route the call to the person most able to deal with it. In the event of any uncertainty or if the most suitable person is unavailable then the call will be directed to a member of the Senior Management Team.

A parent/guardian expressing a concern about a SEN student should be dealt with by the Teacher, or in cases where the concern cannot be resolved by the Teacher, or by the Academy's SENDCo.

Any concerns expressed in writing will be passed to a member of the Senior Management Team who will direct them to the person most able to deal with them.

In every case an initial response will be provided within 48 hours and a final resolution of issues arrived at as soon as possible.

Resolutions may include an apology, explanation, admission that the situation could have been dealt with more effectively, an assurance that the situation will not recur or an undertaking that the South Devon UTC will review the procedure in light of the situation.

Stage 2: Complaints

All formal complaints must be received in writing, giving as much detail as possible and addressed to the South Devon UTC Principal

Acknowledgement of written complaints will be made in writing within 5 working days. This will include details of what will happen next, the timescales involved and the person who will be in charge of progress of the complaint; this will usually be the Principal.

As part of the investigation, the complainant may be invited to meet with the Principal (or person in charge of the complaint) to discuss the detail of the complaint. If desired, the complainant may be accompanied by a friend/advocate. Written records will be kept of meetings and telephone conversations during the investigation.

The person who has been nominated to carry out the investigation will inform the complainant and, where applicable, the person complained about in writing, of the outcome within 10 working days (this may be longer in exceptional cases). This will include a full explanation of the decision and the actions, where appropriate, that the South Devon UTC will take / has taken to resolve the complaint. The complainant will be offered the opportunity to discuss the response to the investigation. If the complaint is unlikely to be fully investigated within the 10 working day timeframe, a further written acknowledgement will be sent to the complainant detailing the progress to date and providing a revised target date for a full response.

If your complaint leads to action being initiated under other procedures, e.g. disciplinary or child protection, then the complaints procedure will be suspended until action under the other procedures (including appeals) have been conducted. You will be notified that this is the case and informed of the delay in the resolution of your complaint. However you will not be entitled to know which other procedures have been initiated or the outcome of these.

The South Devon UTC will treat all complaints with respect during and after the investigation. All documentation with regard to the investigation and its outcome will be retained on the premises and treated as confidential except in so far as they need to be shared with people who might contribute to their resolution. All complaint will be entered onto the Complaints Log which will be held by the School Business Manager, and will be available on request for inspection by the Board of Directors and the Principal.

Stage 3: Review by the Chair of the Board of Governors

If, following due process, the complainant feels that the complaint has not been investigated appropriately or the complainant wishes to take the complaint further then they should write to the Chair of the South Devon UTC Board of Governors. This should be done within 5 days of receipt of the outcome letter.

The Clerk to the Governors will acknowledge receipt of the complainant's letter within 5 working days. The Chair of Governors will need to consider whether it is appropriate for him/herself to investigate the complaint or whether to convene a panel of 3 Governors who have not been involved previously.

The Clerk to the Governors will inform you of the process, the timescales involved and the person who is progressing your investigation. This will either be the Chair of Governors or the Chair of the Governor panel.

If the Chair of Governors investigates the complaint:

- They will review the documentation from the initial investigation
- Invite you to meet with them to discuss your complaint and allow you to present any further evidence within 10 working days of receiving the complaint letter
- Inform you of their findings with an explanation within 20 working days of receiving your complaint (in exceptional cases this may be longer)

In the event that a panel of Governors is convened to investigate, the following procedure will be followed:

- The Panel will meet within 20 working days of receiving the complaint. It will consist of 3 Governors who will be a cross-section of the Board of Governors but not the Principal or Chair of Governors. The panel will elect its own Chair.
- The Chair of the Governors will notify the complainant in writing, at least 5 working days in advance of the date, time and venue for the panel meeting.
- The complainant will be invited to attend the Panel and can be accompanied by a friend/advocate.
- The Principal or Chair of the Board will be asked to prepare a written response for the Panel in response to the complaint.
- All documentation will be made available to the panel and the complainant in advance of the Panel meeting.
- Following the Panel meeting, the complainant and, where applicable, the person complained about will receive written notification of the outcome within 5 working days of the meeting.

The details of the meeting, minutes and all records and correspondence relating to the complaint will be retained on the premises and kept confidential, held by the Strategic Business Leader, and will be available on request for inspection by the Board of Governors and the Principal.

Stage 4: Appeal to the Education and Skills Funding Agency

If, following Stages 1 to 3, the complainant remains dissatisfied, the complaint can be taken to the Education and Skills Funding Agency.

Details of the role of the ESFA are set out on the DfE website at:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

Complaints to the ESFA can be made in writing to:

Department for Education
Education and Skills Funding Agency
Sanctuary Buildings
London
SW1P 3BT

Or online using the following link [schools complaints form](#)

APPENDIX A - CHECKLIST FOR PANELS

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Students may not appear as witnesses, but they may provide statements
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Principal may question both the complainant and the witnesses after each has spoken
- The Principal is then invited to explain the SOUTH DEVON UTC's actions and be followed by the South Devon UTC's witnesses
- The complainant may question both the Principal and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Principal is then invited to sum up the South Devon UTC's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chairman explains that both parties will hear from the panel within a set time scale.

APPENDIX B - COMPLAINT FORM

Please complete and return to the Principal

Your name:

Student's name:

Your relationship to the Student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(To whom did you speak and when. 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

OFFICE USE ONLY

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: