

Complaints Policy and Procedure

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1. Aims

Our College aims to meet its statutory obligations when responding to complaints from parents of students at the College

- 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
- Ensure 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 College 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 College will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the College website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Queensmill is specialist College for young people diagnosed with autism from 19-25. The majority of young people's autism is at the complex end of the spectrum, but the College places at its heart, learning that is young person centred with an emphasis on accepting them for who they are and helping them understand and cope with the world around them. From this starting point, we are able to help young people make progress in acquiring academic, communication, social and life skills. Staff at Queensmill are highly trained in autism. The College is proud of its effectiveness and ability to personalise learning so that young people have unique programmes so that they are motivated and thoroughly supported to make progress. When this progress occurs, we are committed to creating and adapting provision to ensure it can continue.

This policy for addressing complaints is aimed at ensuring we do our utmost to achieve the aims set out above and respond and learn from concerns and complaints we receive.

2. Legislation and guidance

This policy complies with our funding agreement and articles of association.

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools and colleges must have and make available a written procedure to deal with complaints relating to their provision.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

3. Definitions and scope

3.1 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”

3.2 Scope

The College 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 (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of young people with special educational needs (SEN) about the College support are within the scope of this policy. Such complaints should first be made to the Head of College. They will then be referred to this complaints policy. Our TQT SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our College has discriminated against their child.

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

4. Roles and responsibilities

4.1 The complainant

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

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

4.2 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 Head of College or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

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

5.1 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 time frame 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 term time day after the holiday period.

If at any point we cannot meet the time scales 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 Head of College or governors)

6.1 Stage 1: informal

The College 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 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 the Head of College.

The College will acknowledge informal complaints within 5 term time days, and investigate and provide a response within 5 term time days.

At Queensmill we recognise the importance and value of working in partnership with families and wider community. We offer parents/carers opportunities to become involved in their child's education through a range of strategies and encourage regular communication with the College. Most parents have a positive relationship with the College, but sometimes a problem or concern may arise.

Governing Bodies are required by law under Education Act 2002 (Section 29) to establish a procedure which deals with complaints. This procedure will be used by the College Governing Body when dealing with general complaints; it is for parents, carers and members of the public to use to raise informal and formal complaints with the College and the Governing Body. All Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

Initial Concerns:

Queensmill is clear about the difference between a concern and a complaint. Our staff take informal concerns seriously at the earliest stage which reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

Resolving Complaints:

At each stage in the procedure all parties should keep in mind ways in which a complaint can be resolved. It would be useful if complainants state what actions they feel might resolve the problem at any stage.

This procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

The informal stage will involve a meeting between the complainant and the class teacher or senior manager Head of College and/or Executive Head and/or the subject of the complaint], as appropriate.

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

6.2 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 the Head of College.

The Head of College (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 College of the identity of their companion in advance.

In certain circumstances, the College 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 College will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Head of College or Executive Headteacher will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 5 term time days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 term time days.

How to escalate a complaint

Complaints can be escalated by contacting the clerk to the governing board:

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

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

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 10 term time days. Requests received outside of this time frame will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 term time days.

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from the trustee board. To ensure full impartiality, we will appoint at least one panel member who is entirely independent of the organisation. We will make sure the governors 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; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 10 term time days of the request, where possible.

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

Any written material will be circulated to all parties at least 10 term time days before the date of the meeting.

At the meeting

At the review panel meeting, the complainant and representatives from the College, 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 College employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

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 College representative will be given the chance to ask and reply to questions. Once the complainant and College 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 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 College systems or procedures to prevent similar issues in the future

The College will inform those involved of the decision in writing within 10 term time days.

7. Complaints against the Head of College, a governor or the governing board

7.1 Stage 1: informal

Complaints made against the Head of College or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the head or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the College.

7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from the trustee board.

8. Referring complaints on completion of the College procedure

If the complainant is unsatisfied with the outcome of the College complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the College. The ESFA will not overturn a College decision about a complaint. However, it will look into:

- Whether there was undue delay, or the College did not comply with its own complaints procedure

- Whether the College was in breach of its funding agreement with the secretary of state
- Whether the College has failed to comply with any other legal obligation

If the College did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the complaints procedure is found to not meet regulations, the College will be asked to correct its procedure accordingly.

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

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

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 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 College complaints procedure, this includes the matter being heard by both the Governing Body and trustees
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on College 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 College 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 term
- 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 College site.

9.2 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 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.

9.3 Complaint campaigns

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

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

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

10. Record keeping

The College 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 College 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 records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the College will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The Chair of Governors will review any underlying issues raised by complaints with the Head of College and/or Executive Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the College can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

The Chair of Governors will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed

This policy will be reviewed by Head of College / Senior Principal every 2 years .

At each review, the policy will be approved by the Governing Body and the Head of College and/or the Senior Principal.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- SEN policy and information report