

## Complaints Policy

### **Legislation / guidance that informs this policy**

- Education and Skills Act (2008)
- The Education (Independent Schools Standards) (England) Regulations (2014 - came into effect Jan 2015)

### **Other Red Balloon policies to be read in conjunction with this one:**

- Whistleblowing
- Exclusions
- Dealing with Allegations of Abuse against Staff

NB The exclusions policy details Red Balloon's approach to responding when students do not comply with the basic requirements of the Red Balloon community. Parents should acquaint themselves with the practice described therein: it is intended to ensure that all centres are able to provide a supportive, nurturing learning environment.

### **Statement of intent**

Red Balloon seeks to provide a high quality learning experience for all its students. We aim to practise professionally and effectively at all times, but acknowledge that, on occasion, we may fail to meet our aim. Under such circumstance we want anyone who feels that the organisation or a specific member of staff has failed to perform their job in a professional manner to understand how to raise their concern, to be able to raise it without fear of negative response, and to understand how the concern will be dealt with.

### **Responsibility for Implementation**

Each coordinator, together with a nominated trustee is responsible for ensuring that the practice described within this policy is complied with.

## **Legal position**

Since 1 September 2003 governing bodies of all schools in England have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires that the procedure be publicised. This policy is written to ensure that parents/carers of students at Red Balloon Centres, or other persons who wish to raise a concern regarding provision or practice, understand how to do that. There is also a whistleblowing policy that staff should read and refer to should they wish to raise concern(s) re the practice of (an)other member(s) of staff.

*Each Red Balloon Learner Centre has a nominated trustee who is responsible for monitoring the way in which complaints are responded to.*

Red Balloon understands the requirement to ensure that a complaints procedure is drawn up and effectively implemented. In order to comply with statutory requirements, the procedures:

- are made here in writing;
- are available to parents / carers of students on the Red Balloon website or, on request to a centre, in writing;
- set out clear time scales for the management of a complaint;
- allow for a complaint to be made and considered initially on an informal basis.

Red Balloon will ensure that a written record is kept of all complaints that proceed to the formal stage together with any action taken as a result of the complaints regardless of whether they are upheld. Further we will ensure that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 requests access to them. Any findings reached and / or recommendations made will be available for inspection by the proprietor, the chair of trustees and the coordinator.

*NB Wherever the term parents is used in the policy, that means any person with parental responsibility for the young person.*

## **Key principles**

Red Balloon seeks to:

- encourage resolution of problems by informal means wherever possible;
- make procedures easily accessible;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action, keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services may be improved if appropriate.

In investigating complaints Red Balloon 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 and re-contact them should clarification or further information be required;
- clarify what the complainant feels would put things right;
- interview those involved in the matter (including those complained of), allowing them to be accompanied if they wish;
- conduct all interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews.

In seeking to resolve complaints, 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;

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur, together with...
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies and / or practice in light of the complaint.

## **Procedures**

### *Aims and objectives*

Red Balloon Centres seek to be fair, open and honest when dealing with any complaint. Careful consideration is given to all complaints and we aim to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. Further we aim to provide sufficient opportunity for any complaint to be fully discussed and subsequently resolved.

### *The complaints process*

The process has three distinct sections:

- informal (stage 1),
- formal (stage 2),
- panel hearing (stage 3).

**Stage 1 - informal... (a coordinator or trustee will respond within one working day when a concern is raised, assure the complainant that the complaint has been received and will be responded to, and arrange either a meeting that is mutually convenient or a time for a further telephone conversation)...**

#### *How to share a concern*

If, for example, a parent is concerned about anything to do with the education that we are providing at our centre they should, in the first instance, either by telephone or through an arranged meeting, discuss the matter with their student's keyworker or with the coordinator. Most matters of concern can be dealt with in this way. All staff work very hard to ensure that each young person is well provided for at Red Balloon, is happy at Red Balloon, and is making good progress. They always want to know if there is a problem so that they can take action before the problem seriously affects the young person's progress. All Red Balloon staff involved will listen carefully to any concern expressed, treat the complainant respectfully and make every attempt to ensure that concerns are allayed and / or the matter resolved.

It may be necessary to hold further meetings to ensure that the complaint has been appropriately responded to, and any improvements in practice identified as a result of the complaint, implemented.

Assuming that the parent is content that the response has been sufficient and appropriate, this will still be deemed to be an informal response.

**Stage 2 - formal - what to do if the matter is not resolved through informal discussion...**

In any situation where a parent or other complainant feels that the complaint they have made has not been sufficiently well dealt with, or that their concern is of such a serious nature that an informal response is insufficient, then they should request that the process move to a formal investigation. In order to do this they should put their concerns

into a written form (email is perfectly acceptable), submit that to the coordinator and make an appointment to discuss it formally with the coordinator.

The coordinator must then carry out an investigation regarding the complaint. This may involve interviewing staff or students, examining internet records, checking students' work or any other activity pertinent to the complaint.

The coordinator must complete this process within ten working days. S/he must make coherent records of their investigation and share these with the complainant within ten working days of the submission of the request to move to a formal complaint.

The coordinator will then share details of their findings in the meeting with the complainant. The coordinator will explain whether they consider the complaint to be wholly or partially legitimate or unsubstantiated and explain, if appropriate, how either practice or policy will be amended to ensure best practice in the future.

*If the complaint concerns the practice of the coordinator*, then the written (again email is perfectly acceptable) details should be submitted to the chair of trustees (contact details available on the website) who will ensure that they are passed on to the director of education who is charged with managing such complaints at the formal stage. He (currently Bob Sproson) will then contact the complainant and investigate the complaint in the same manner as that described above when the coordinator investigates a complaint. Again the investigation process should be completed within ten working days and the director of education will meet with the complainant to explain the outcomes of the investigation.

If, following the meeting with the 'investigator', the complainant feels that the complaint has either been not properly investigated or that the response to the complaint is unacceptable, then s/he should submit a further complaint to the chair of trustees requesting further investigation. This will lead to a panel hearing.

All records from this formal element of the process must be logged and filed and be available to the panel when a hearing is required (the third phase of this process described below).

**Stage 3 - panel hearing following further complaint to trustees subsequent to the formal investigation... (receipt of the complaint must be acknowledged within one working day and a panel hearing convened within fifteen working days of that acknowledgement)...**

This complaint must be made in writing (again email is perfectly acceptable), stating the nature of the complaint, how the centre has handled it thus far, and whether the complaint at this point concerns:

- a perceived failure to investigate the initial complaint properly;
- a belief that the findings were correct but have not been appropriately responded to;
- a wish to contest the findings.

The complainant should send this written complaint to the chair of trustees. The complainant will be made aware that if they would like to use a template for submitting the complaint (template attached at the end of this policy), then they should request a copy of the template (available either in hard copy or as email attachment) from the centre administrator.

Either the chair of trustees or the trustee with responsibility for managing complaints will arrange a meeting to consider the complaint and invite the person making it to attend the meeting, so that they can explain the complaint in more detail. The centre will give the complainant at least five working days notice of the meeting and explain to them that they may be accompanied if they so wish.

The panel will consist of a minimum of three people who were not directly involved in the issues covered by the complaint. One of those panel members should be 'independent of the management and the

running of the school'. DfE advice is that persons suitable for this role are those, "who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments - examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force".

After hearing all the evidence, the trustees will consider their decision and inform the complainant about it in writing or in a different format as requested. The findings and recommendations will be provided to the complainant and, where relevant, the person complained about. This will be done as soon as possible, but, at the latest, within five working days from the hearing. The trustees will do all they can at this stage to resolve the complaint to the complainant's satisfaction, and will ensure that any action identified as required is undertaken.

At this stage the process is complete from a centre viewpoint. Parents do, however, have the right to contact either the DfE (Secretary of State) or the Independent Schools Inspection Service (as the inspecting agency) if they still believe that the complaint has not been satisfactorily dealt with.

### **Monitoring and review**

The trustees monitor the complaints procedure in order to ensure that all complaints are handled properly. The coordinator ensures that all complaints received by the centre are logged and that records are kept detailing how they were resolved. The trustee responsible for complaints examines this log annually.

From 2015 a written record of complaints is limited to those made under the formal part of the procedure. In each case the centre will record whether the complaint has been resolved and at what stage that happened. Red Balloon Centres will also keep a separate record of any informal complaints to enable any patterns of concern to be monitored.

Centres will also record any action taken as a result of these complaints (regardless of whether they are upheld), and ensure that

correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

Trustees will take into account any local or national decisions that affect the complaints process, and will ensure any necessary modifications are made to this policy.

The number of formal complaints registered under the formal procedure during the preceding year will be displayed on the centre website.

Policy updated Nov 2018 by Bob Sproson, Director of Education - for annual review.

## Template for making a complaint

Please complete and return to ..... (trustee responsible for complaints) who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-mail address:

Which of the following best describes your reason for requesting that trustees investigate your complaint?

You think we have failed to properly investigate the complaint you made.

You think that the complaint was properly investigated, that the conclusions reached were correct but that we have not taken sufficient action to remedy the situation?

You think that the conclusions that were reached in response to your written complaint were incorrect?

*I think that.... (complete as you think most appropriate)*

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: