

St Andrew's College

COMPLAINTS PROCEDURE POLICY

Date of Adoption:	June 2009
Frequency of Review:	Annually
Review Date due:	June 2018
File Name:	Complaints Procedure Policy

This policy relates to complaints that directly relate to education within Adolescent Services from service users, parents, guardians, carers and/or funding authorities.

All other complaints will be managed through the charity's Complaints Policy PCC 11.

The complaints register will be held by the Headteacher and reported to each meeting of the Education Committee.

In the event of any ambiguity as to whether the college or the charity's complaints policy should be used, the service user will be asked to state their preference.

Complaints relating to education will be entered in the charity's database.

Complaints relating to St Andrew's College will be coded 27 on the Complaints Policy.

1. GENERAL PRINCIPLES

1. The resolution of a complaint provides the potential opportunity for the College to improve its practice and develop further a strong partnership with parents, carers and commissioners.
2. The complaints procedure should be easily accessible and well publicised, so that parents, carers and commissioners know how to raise concerns.
3. It is desirable for any concern/complaint to be addressed by a member of staff at a level closest to the cause for the concern.
4. Procedures should be as speedy as possible, consistent with fairness to all.
5. A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
6. Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents, carers and commissioners need to feel confident that a complaint will not disadvantage the child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
7. If the investigation of a complaint shows that it is justified, then the College should consider how to make amends in an appropriate way.
8. Staff and MEMBERS OF THE Education Committee should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
9. All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the College.
10. Every complaint should be acknowledged as “genuinely felt” by the complainant.

1. MODEL COMPLAINTS PROCEDURE FOR COLLEGES

This model complaints procedure has three stages:

1. Initial Approach
2. Formal Complaint to Headteacher or Chair of Education Committee/Proprietor
3. Appeal to Governor Committee

Stage 1 – INITIAL APPROACH

2. GUIDELINES

1. The vast majority of concerns and complaints can be resolved informally, often straight away, by the teacher, Lead Teacher or Headteacher.
2. We aim to ensure that parents, carers and commissioners feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a complainant.
3. Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

4. PROCEDURE

1. Parents, carers and commissioners should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the concern and assure them that the College wishes to hear about it. The discussion should also aim to clarify what kind of outcome the complainant is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to the Lead Teacher or Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. The Headteacher should ensure that staff have guidelines about when to refer a matter and who to.
4. If the concern relates to the Headteacher and the complainant feels unable to raise it with the Headteacher they should be advised to contact the Proprietor.

5. The staff member / Lead Teacher / Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

Stage 2 – FORMAL COMPLAINT TO HEADTEACHER, PROPRIETOR OR CHAIR OF THE EDUCATION COMMITTEE

5. GUIDELINES

1. The Headteacher needs to determine who has responsibility for responding to a formal complaint including the decision about his/her own involvement at various stages.
2. If the complainant is dissatisfied with the action of the Headteacher, or the Headteacher has been very closely involved informally, the Proprietor or Chair of the Education Committee should carry out all the Stage Two procedures, with support if necessary from another governor.
3. Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

6. PROCEDURE

1. Parents, carers or commissioners who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Headteacher, Proprietor or Chair of the Education Committee. The Headteacher, Proprietor or Chair of the Education Committee (or designated member of staff) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedure and a target date for providing a response. Ideally, this should be within ten days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Headteacher, Proprietor or Chair of the Education Committee (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the Headteacher, Proprietor or Chair of the Education Committee (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a student, the student should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from Human Resources.

4. The Headteacher, Proprietor or Chair of the Education Committee (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Headteacher, Proprietor or Chair of the Education Committee (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, he/she may appeal to a panel of members of the Education Committee. The complainant should notify the Proprietor or Chair of the Education Committee within two weeks of receiving the letter detailing the outcome of the complaint.

7. GUIDELINES

1. Complaints only rarely reach the appeal stage, but it is important that members of the Education Committee are prepared to deal with them. At this stage, the Proprietor or Chair of the Education Committee may wish to seek advice from a Human Resources.
2. The aim of the appeal to a panel of members of the Education Committee is to resolve the complaint and achieve a reconciliation between the College and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action and to satisfy the complainant that their complaint has been taken seriously.
3. It is important should a complaint reach the appeal stage, that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full Education Committee. The Education Committee should therefore establish a panel to deal with complaints, by nominating a pool of five members from which two can be drawn for any hearing to join one member who is independent of the management or running of the college.
4. Panel members should have had no prior involvement with the complaint. Generally, the Chair of the Education Committee is not on the panel as he/she may be involved at the earlier stage. The Education Committee should have regard to the advantages of having a mix of types of members on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
5. Individual members should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If

individual members are approached by parents or others with complaints, they should refer the complainant to the colleges complaints procedure, making the necessary introduction to a member of staff or headteacher if appropriate.

6. Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel of members to view any complaint as being against the college rather than an individual staff member whose actions may have lead to the original complaint.

8. PROCEDURE

Upon receipt of a written request from the complainant to proceed to Stage Three, the following procedure should be followed:

1. A suitable clerk to the panel should be appointed.
2. The clerk should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the governing body within 15 days of receipt.
3. The clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the college.
4. The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least five working days notice of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see Annex A) and the complainant's right to submit further written evidence to the committee.
5. The clerk should invite the Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Headteacher may also invite the Proprietor and Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
6. All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This

- provides adequate opportunity to read them prior to the start of the meeting.
7. A member of Human Resources may be invited to attend the meeting to advise the committee. (See below).
 8. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
 9. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
 10. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their decision or judgement within 5 working days.
 11. All except for the Education Committee panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the College and/or the parent/guardian and where appropriate, recommendations on changes to the College's systems or procedures to ensure similar problems to not arise in the future.
 12. The College should ensure that a copy of all correspondence and notes is kept confidentially on file in the College. This should be separate from a students' personal records.
 13. The broad outcomes recommended by the panel can be reported to the next full meeting of the Education Committee or appropriate committee with the identity of all those taking part kept confidential. The Education Committee should monitor implementation of any recommendations made.

9. THE ROLE OF THE COLLEGES SERVICE

1. The primary responsibility for resolving complaints rests with the Education Committee. (1998 Education Act, Part II, Chapter 3, Para 39[1]). The Colleges Service's role in college complaints is to provide advice to all parties.
2. When the College Service receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the College's complaints procedure. The complainant will be advised to contact the Headteacher to take the matter

further. If the complaint has already involved the Headteacher but has not achieved a satisfactory resolution from the perspective of the complainant, the complainant will be referred to the Proprietor or Chair of the Education Committee. In this situation the Headteacher will be notified of the referral and details of the complaint.

3. Colleges Service will give advice to the Headteacher, Education Committee and parents on the use of complaints procedures.
4. A representative of the local authority can be invited to attend a Stage 3 hearing in order to provide advice and guidance to all parties. The cost of this service will be charged at the hourly rate for a Governor Services consultant. A service level agreement with the Governors Service may cover all or part of these costs.

ANNEX A

Model Procedure for the Conduct of a Stage 3 Education Committee Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the College and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines;
 - i. The complainant describes his/her complaint and may call witnesses.
 - ii. The Headteacher may seek clarification from the complainant and any witnesses.
 - iii. The member' panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The Headteacher will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the Headteacher and any witnesses.
 - vi. The members' panel (including any Advisers) may seek clarification from the Headteacher and any witnesses.
 - vii. The Headteacher will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
The validity of the complaint; appropriate action to be taken by the College and / parent or guardian and where appropriate, recommendations on

changes to the College's systems or procedures to ensure similar problems do not arise in the future.

5. The decision or judgement will be confirmed in writing within 5 working days

NB if there is more than one complaint this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

ANNEX B

Dealing with Complaints about Racism in Colleges

1. Racist behaviour to a Child or Student

The procedures to be followed are contained in HR 01 Equal Opportunity and Diversity Policy.

2. Racist Incident Alleged Against College Staff

- i. The report/complaint should be made to the Headteacher, or if the Headteacher is the subject of the report/complaint, to the Proprietor or Chair of the Education Committee.
- ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.
- iii. Institutional Racism
Parents who perceive that racist practice or policies are operated by the college should pursue these through the General Complaints Procedure.

Equalities Analysis Template

Policy Name & Number	Complaints Policy (St Andrew's College)
Policy Aims, Objectives & Intended Outcomes (summary)	The policy aims to manage complaints that directly relate to education within Adolescent Services from service users, parents, guardians, carers and/or funding authorities. All other complaints will be managed through the charity's Complaints Policy PCC 11.
Equalities Analysis completed on <date> and by <author>	Melanie Dixon 17.09.13

Approved By:	
Date of Approval:	June 2009
Policy Author(s)	
Date Policy Issued:	
Review Date:	June 2015
Target Audience:	The policy is likely to be of interest to teaching staff, regulators, students and their friends and families and carers.
Supersedes:	

Evidence

What evidence/research/best practice have you considered in reviewing this policy?

This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations, staff / service user diversity data etc. Please see the list of links at the end of this document for suggestions of useful organisations and datasets.

St Andrew's College is an independent college providing specialist learning support and education services to approximately 100 adolescent patients (known in this context as "students") in the care of the charity. Patients may come and go fairly frequently, so the school population is constantly changing. The college is part of St

Andrew's

The Charity recognises the need, including in the provision of St Andrew's College services to

- work to the duties in the Health and Social Care Act 2012 which emphasise the need to improve equality outcomes for patients in commissioned services. Education is recognised as being an important factor in people's lives which can support their ability to achieve to their full potential and minimise health and related socio-economic inequalities.
- work to the Care Quality Commission's Essential Standards and that these are mapped to, and inspected taking into account, the objectives and outcomes of the Equality Delivery System, which St Andrew's Healthcare uses. In relation to the school's work, this particularly includes ensuring students have opportunities to learn, be involved, and to be safe including from bullying.
- work to the requirements of the public sector duty of the Equality Act 2010 which require all our staff to show that in all our policies and ways of working, we have considered what we can do to improve equalities outcomes (creating opportunities to help people participate, recover, develop, understand one another's needs and get on well together) and to eliminate discrimination (intentional - including bullying, hate crime and harassment – and unintentional or "indirect" discrimination.)
- demonstrate compliance with human rights – both the need to promote those which are absolute (such as treating people with dignity and respect) and those which may need to be qualified or balanced to take account of people's needs appropriately
- work to other specific laws or guidance

This policy is also governed by 1998 Education Act, Part II, Chapter 3, Para 39[1.

What further research or data, if any, do you need to fill any gaps in your understanding of the potential or known effects of the policy?

For example, when reviewing ethnicity profiles you may have sourced comparison data from the national census, but find that comparison against the healthcare sector and recruitment market might provide more meaningful analysis.

Consultation

What consultation have you undertaken in reviewing this policy?

How have you engaged stakeholders and sought views and input from others? Consider both internal and external groups such as equality groups, staff and service user groups, specialist departments, Heads of Profession, Strategic Leads, local councils, professional and government bodies, etc

Service User groups, Education Committee, parents and students talked to

throughout the year. Policy available on website.

What feedback did you get from these consultation activities?

No complaints received and all parties are happy with the process.

Positive or negative impact

Considering the evidence and consultation you have undertaken, how might the policy have an actual or potential, positive or negative impact on equality, in relation to each of the following protected characteristics?

Assess each area separately. Ask yourself:

- Will the policy create any problems or barriers or opportunities for any community or group?
- Will any group be excluded or encouraged to get involved because of the policy?
- Might there be different levels of access or benefit experienced?
- Might any group be disproportionately advantaged?

State how you might reduce any negative impact – what steps will you take to address the impact?

1. Age

This policy advances equality by offering a student-sensitive approach to complaints, as opposed to obliging people to use the less personal charitywide complaints system as their starting point to resolve issues relating to the St Andrew's College. As such this promotes equality of opportunity, participation by the students and their families. The policy does not stop people using the other system if they wish. As such no negative impact of this policy is identified.

2. Sex (gender)

No negative impact of this policy is identified.

3. Disability (consider attitudinal, physical and social barriers)

Students have access to care co-ordinators, nurses, key teachers and advocates for support in accessing this policy and therefore no negative impact of this policy is identified.

4. Race (consider ethnicity, nationality, language and access barriers)
No negative impact of this policy is identified.
5. Religion and belief (Belief means any religious or philosophical belief and includes humanism or atheism. It must be genuinely held as to a weighty and substantial aspect of human life and behaviour, affecting how a person lives their life or perceives the world, worthy of respect in a democratic society, compatible with human dignity and not conflicting with the fundamental rights of others).
No negative impact of this policy is identified.
6. Sexual orientation
No negative impact of this policy is identified.
7. Gender reassignment (transgender)
No negative impact of this policy is identified.
8. Pregnancy and maternity (consider pregnant workers, those on maternity leave, part-time working, infant caring responsibilities, breastfeeding)
No negative impact of this policy is identified.
9. Carers (consider part-time workers, shift-patterns)
This policy is available on request. No negative impact of this policy is identified.

Advancing Equality
How does this policy, practice, service development promote equality and reduce inequalities that already exist? Think in terms of:
<ul style="list-style-type: none"> • Advancing equality of opportunity and encouraging participation • Eliminating discrimination, harassment and victimisation • Promoting good relations between groups • Promoting and protecting human rights
The policy promotes human rights for example in terms of patients and other complainants being treated with dignity and respect by having a fair and transparent process, including requiring all complaints to be acknowledged as “genuinely felt” by the complainant.
Promoting Recovery
How does this policy, practice, service development promote the principles of recovery?

This policy supports principles of recovery through giving the students an avenue to make an official complaint if required.

Action Planning for Improvement

No action required

Further Review

If you feel that the equality issues you have identified need to be explored in more detail, please refer to the 'Equality Analysis - Template, Process and Guidance' document that can be found on the intranet on the Equality, Diversity & Human Rights page. Further advice can also be sought by contacting Donna Walker or Lindsey Ambrose.

Useful Links

Care Quality Commission

www.cqc.org.uk

Gender Identity Research and Education Society (GIRES)

GIRES provides a wide range of information and training for trans people, their families and professionals. Website: www.gires.org.uk

Gender Statistics (United Nations ECE)

<http://www.unece.org/stats/gender/>

GMC – Learning Disabilities resource centre

This site aims to help doctors provide better care for people with learning disabilities
<http://www.gmc-uk.org/learningdisabilities/>

Labour Market Statistics

<http://www.nomisweb.co.uk/>

Neighbourhood Statistics

Free to access. Lots of information about local communities and lifestyles in local areas. Can be searched by borough, post code or other types of area.

<http://www.neighbourhood.statistics.gov.uk/dissemination/>

Northamptonshire Observatory

It is a gateway to impartial and objective research, statistics and expertise on the county. It is free, interactive and simple to use.

<http://www.northamptonshireobservatory.org.uk/>

Northampton Interfaith Forum

Site includes a countywide directory of Faith contacts

<http://www.northamptoninterfaithforum.org.uk/>

Stonewall

Information (reports and statistics) on sexual orientation and equality

www.stonewall.org.uk