

COMPLAINTS POLICY & PROCEDURE

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Comments	
<i>This policy is regularly monitored by the Principal and Senior Leadership Team to ensure that it is working as effectively as possible.</i>	
Monitoring, Evaluation & Review	
<i>The Principal and Senior Leadership Team will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout by the UTC community.</i>	

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1. GENERAL PRINCIPLES

1.1. Dealing with Complaints – Initial Concerns

- 1.1.1. Staff at the Greater Peterborough University Technical College (GPUTC) should be aware of the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 1.1.2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases the class teacher or the individual delivering the service in the case of extended 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. Any assistance or advice regarding the effective and efficient handling of concerns should be sought through the Senior Leadership Team (SLT).

1.2 Dealing with Complaints – Formal Procedures

- 1.2.1 The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- 1.2.2 Where the complaint concerns the Principal, the Complaints Co-ordinator will automatically refer the complainant to the Chair of Governors. Complaints or concerns made around the GPUTC SEND provision or effectiveness are to follow the same procedures as detailed within this policy.
- 1.2.3 The member of staff with responsibility for the operation and management of the GPUTC complaints procedure is the Director of Operations. The Principal of the GPUTC must be contacted directly if the Director of Operations is the subject of the complaint.

1.3 Framework of Principles

- 1.3.1 The GPUTC's Complaints Procedure will:
 - encourage resolution of problems by informal means wherever possible
 - be easily accessible and publicised
 - be simple to understand and use
 - be impartial
 - be non-adversarial
 - allow swift handling with established time-limits for action and 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 GPUTC's senior leadership team (SLT) so that operating procedures or internal services can be improved where appropriate.

1.4 Investigating Complaints

- 1.4.1 At each stage, the nominated Complaints Co-ordinator will attempt to:
 - 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 (if unsure or further information is necessary)
- clarify what the complainant feels would rectify or ease the conflict to a point of resolution
- interview those involved (where required) in the matter and / or those complained of, allowing them to be accompanied if they wish
- Conduct the interview professionally and courteously, with an open mind keeping relevant notes from the interview. Permission should be sought prior to the interview to ensure that all parties are in agreement that notes may be taken throughout the interview.

1.5 Resolving Complaints

1.5.1 At each stage in the procedure the GPUTC will make every effort to ensure necessary steps are taken to resolve the situation. 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 reoccur and detail what steps shall be taken to ensure this
- A review of the GPUTC's policies and / or in light of the complaint.

1.5.2 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the GPUTC could have handled the situation better is not the same as an admission of negligence.

1.5.3 The GPUTC should attempt to 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.

1.6 Vexatious Complaints

1.6.1 If properly followed, the GPUTC complaints procedure will 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, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

1.7 Time-Limits

1.7.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible. The Complaints Coordinator will set realistic time limits for each action within each stage. It is hoped that all complaints can be dealt with in a ten day period of time. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

2 THE FORMAL COMPLAINTS PROCEDURE

2.1 The Stages of Complaints

2.2 The GPUTC's Complaints Procedure will have well-defined stages. A flow chart of suggested stages can be found in Appendix C. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the principal after a meeting with the complainant.

2.3 Four GPUTC-based stages are likely to be sufficient:

- Stage one: complaint heard by staff member, usually through the Complaint Coordinator (though not if the subject of the complaint);
- Stage two: complaint heard by Principal;
- Stage three: complaint considered by Chair of governors
- Stage four: complaint heard by Board's complaints appeal panel;

2.4 An unsatisfied complainant has the right, if not rectified to take a complaint to the next stage.

2.5 The procedure will specify how a complaint will be dealt with if it concerns the conduct of the Principal or a governor or where the Principal or a governor has been involved in the issue previously.

2.6 The complaints procedure can be found in Appendix B.

3 MANAGING AND RECORDING COMPLAINTS

3.1 Recording Complaints

3.1.1 It is important to record the progress of the complaint and the final GPUTC outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Appendix D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the UTC have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

3.1.2 The Complaints Co-ordinator will be responsible for the records and hold them centrally.

3.2 Governing Body Review

3.2.1 The Governing Body will monitor the level and nature of complaints and review the UTC outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to UTC improvement. When individual complaints are heard, we may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Complaints Coordinator and the Governing Body can be a useful tool in evaluating our performance.

3.3 Publicising the Procedure

- 3.3.1 There is a legal requirement for the Complaints Procedure to be publicised. It will be published in full on the GPUTC website and can also be obtained on request directly from the GPUTC. It may be publicised in GPUTC's prospectus and the information given to new parents when their children join the GPUTC.

APPENDICES

Appendix A – THE ACT

Legal requirement

Section 157 of the Education Act 2002 requires, in terms of independent school standards, that:

‘Regulations shall prescribe standards about the manner in which independent schools handle complaints.’

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1st September 2003 require in paragraph 6 that:

‘A school shall provide to parents of students and prospective students and on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.’

Appendix B - AN EXAMPLE OF A COMPLAINTS PROCEDURE

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the GPUTC can be crucial in determining whether the complaint will escalate.

The GPUTC respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator (normally the Director of Operations) will refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator will automatically refer the complainant to the Chair of Governors. Similarly, if the member of staff directly involved feels compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Complaints Coordinator and advise them about the procedure. It is important that governors do not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Principal

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Chair of Governor's consideration

The complainant needs to write to the Chair of Governors giving details of the complaint and why they consider their issues are still unresolved after the Principal's investigation. This gives an interim opportunity to resolve the complaint before consideration by the Complaints Appeal Panel.

Stage Four: Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or the Clerk, will convene a Governing Body complaints panel. The governors' appeal hearing is the last GPUTC-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These will include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals will be part of the UTC's complaints procedure. The panel will be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of the Complaints Appeal Panel

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the UTC's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the UTC and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

- The Nominated Governor role:
- check that the correct procedure has been followed;

- if a hearing is appropriate, notify the Clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

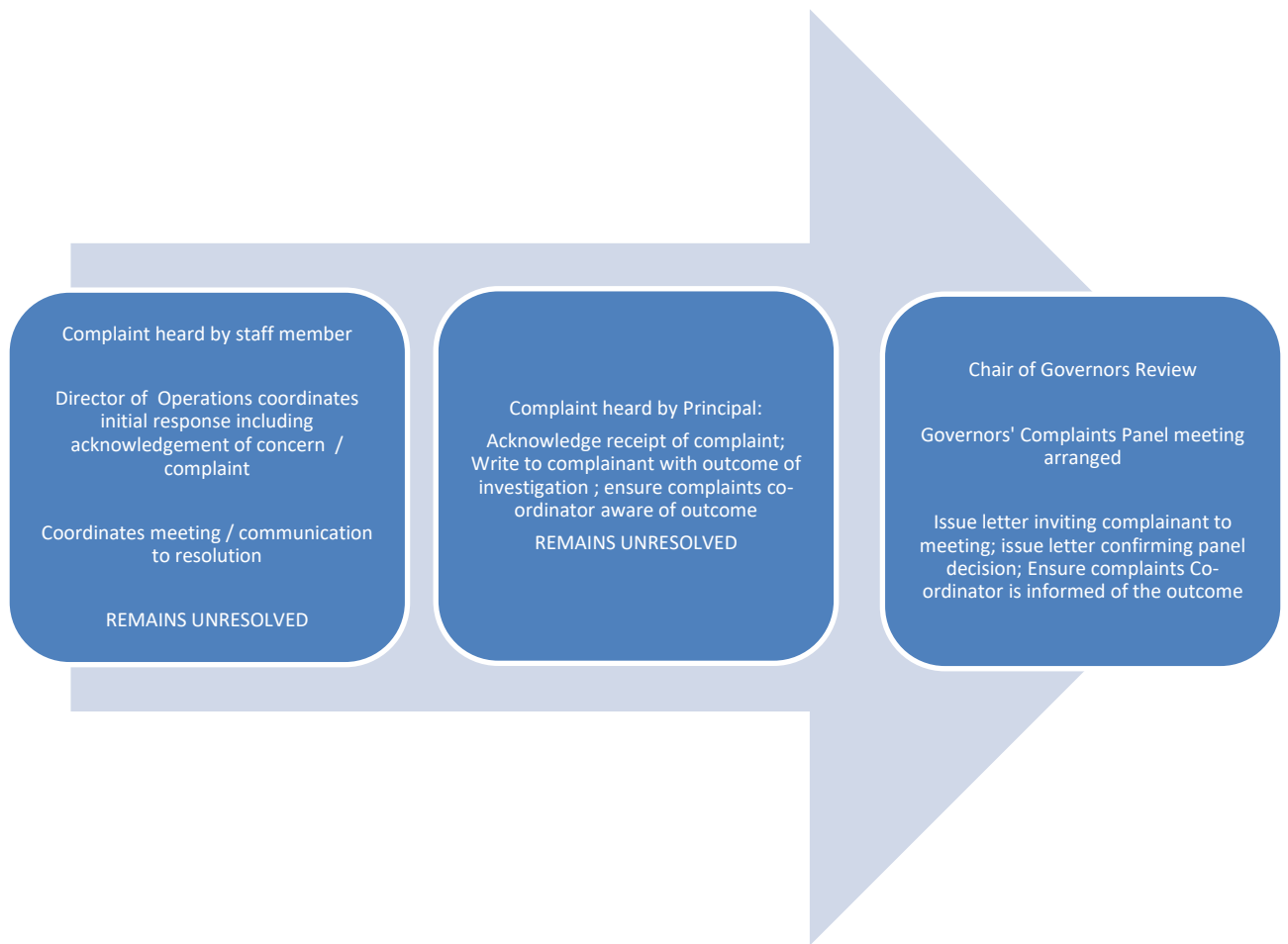
The Chair of the Panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel will 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
- 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 GPUTC's actions and be followed by the 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 GPUTC's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale

APPENDIX C - FLOWCHART



APPENDIX D - COMPLAINT FORM

Please Complete and return to the Complaints Co-ordinator, who will acknowledge receipt and explain what actions will be taken.

Your Name:
Student's Name:
Address: Postcode: Daytime 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. (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 ONLY

Date Acknowledgement was sent:

By who:

Complaint referred to:

Date:

Appendix E – Unreasonable Complainant Behaviour

Staff and Governors at the GPUTC are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with our agreed procedures. We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stages of our procedure.

Regrettably, there are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the GPUTC. Examples of behaviours that we consider to be unacceptable are as follows:

- Refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Making excessive demands on the GPUTC's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Making unjustified complaints about staff who are trying to deal with the issues and/or harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution
- Refusing to cooperate with the complaints procedure as set out in this policy; while still wishing their complaint to be resolved;
- Refusing to accept that certain issues are not within the scope of a complaints procedure;
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint;
- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand;
- Persisting in repetitious complaints when these have been previously determined under the GPUTC's complaints procedure;
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved;
- A complainant's behaviour may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-
 - maliciously;
 - aggressively;
 - using threats, intimidation or violence;
 - using abusive, offensive or discriminatory language;

- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the GPUTC while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. In addition, the GPUTC expects that any person wishing to raise a concern or complaint will:

- Follow the GPUTC complaints procedure.
- Treat all members of the GPUTC community with courtesy and respect.
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond / address any issues.

Where a complainant raises a complaint in a manner which the GPUTC feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified.
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified.
- A tailored communications strategy such as limiting the method and/or frequency of contact with staff / GPUTC personnel.
- A refusal to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing, or deliberately targeted at one or more members of staff without good cause.
- Setting restrictions on the person's access to the GPUTC site.

In respect of the last point, it should be noted that parents/carers and members of the wider community do not have an automatic right to enter the GPUTC grounds and may be barred from entering the site with immediate effect following any incident where behaviour has been verbally and/or physically aggressive.

In the event of such behaviour, the GPUTC will write to the person concerned to advise that his/her licence to enter the GPUTC premises has been temporarily revoked, subject to a review of the decision. The letter will invite the individual to put forward his/her views as to the ban and also advise how he/she can appeal the decision. The decision will then be reviewed and the ban either confirmed or lifted. If the decision is confirmed, the person will be notified in writing and advised how long the ban will be in place.

Any restrictions placed on a person as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted. The period of review will usually be three months; however, for more serious breaches, this may extend to a period of six months.

Again, we would emphasise that the Principal / Acting Principal and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents/carers and members of the wider community will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a person does not.

(Note: The GPUTC will not dismiss a complaint as vexatious without careful assessment first. Caution should be exercised before taking any of the actions outlined above and responses must be proportionate.)