



Midhurst Rother College

The best in everyone™

A member of United Learning Trust

Midhurst Rother College

Complaints Policy

Written by: Joe Vitagliano

Date: 08 November 2009

Revised:

Approved by LGB: 23 Nov 2009

Displayed: College website

Review cycle: Annually



MIDHURST ROTHER COLLEGE COMPLAINTS POLICY

Midhurst Rother College (MRC) will acknowledge complaints, deal with them effectively and aim to resolve issues swiftly.

1 Recommendations and Guidance

MRC will aim to:

- 1.1 Take all concerns and complaints seriously
- 1.2 Make every effort to deal with complaints informally and at an early stage in a spirit of partnership. The aim should be to identify areas of agreement between the parties. It is also equally important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- 1.3 Apologise wherever necessary. An admission that MRC could have handled the situation better is not the same as an admission of negligence.
- 1.4 Deal with complaints in an impartial and non-adversarial manner. As far as possible deal with complaints in such a way as to resolve the issue, maintaining the best interests of the student or students involved (where that is applicable).
- 1.5 Make available a written complaints procedure for all parents and prospective parents which is easily accessible and simple to understand and use. The complaints procedure will be published on the web site.
- 1.6 Ensure a full and fair investigation is undertaken normally by a person who has not been directly involved in the matter.
- 1.7 Respect people's desire for confidentiality.
- 1.8 Use the outcome of a complaint to reflect on the services provided by MRC so that they can be improved.

2 Roles and Responsibilities

- 2.1 All staff have a responsibility to ensure that complaints are dealt with under the terms of this policy. To that end, staff will be made aware of the procedures so that they know what to do if they receive a complaint.

2.2 As part of their role, the Complaints Co-ordinator should be required to prepare an annual report for the LGB.

2.3 The Principal has overall responsibility for the management of complaints and, together with the LGB, responsibility for the publication and implementation of the formal complaints procedure.

3 Implementation and Procedures

3.1 MRC has a written formal complaints procedure which is readily available to parents of students and prospective students.

3.2 The procedure for each stage states exactly who will be involved, what will happen and how long it will take. There may, on occasion, be the need for some flexibility in the application of the procedure; for example, the possibility of further meetings between the complainant and member of staff directly involved, and further investigations may be required by the Principal after a meeting with the complainant

3.3 MRC has nominated a member of staff to have responsibility for the operation and management of the complaints procedure. This person is referred to as the 'Complaints Co-ordinator'.

3.4 The complaints procedure:

- (a) Explains how a concern or a complaint can be made and to whom;
- (b) Sets out the importance of being able to deal with concerns at an early stage and using informal processes;
- (c) Sets out clearly the stages to be used in dealing with a complaint and the way the complaint will be investigated and recorded;
- (d) Sets out clear timetables for the management of the complaint.

3.5 The formal complaints procedure has three stages:

- (a) Stage one: complaint heard by staff member (though not the subject of the complaint);
- (b) Stage two: complaint heard by Principal;
- (c) Stage three: complaint heard by LGB's Complaints Appeal Panel.

The complaints procedure can be found at Appendix 1. The appeals process can be found at Appendix 2.

3.6 The procedure specifies how a complaint will be dealt with if it concerns the conduct of the Principal or a governor, or where these have been involved in the issue previously.

3.7 For each complaint being dealt with under the formal complaints procedure, a person will be appointed to investigate the complaint; this would normally be the Complaints Co-ordinator.

3.8 In carrying out an investigation, the Complaints Co-ordinator should:

- (a) establish what has happened so far and who has been involved;
- (b) clarify the nature of the complaint and what remains unresolved;

- (c) meet with the complainant or contact them (if unsure or further information is necessary);
- (d) clarify what the complainant feels would put things right;
- (e) interview those involved in the matter and/or against whom the complaint has been made, allowing them to be accompanied if they wish;
- (f) conduct the interview with an open mind and be prepared to persist in the questioning;
- (g) keep notes of the interview.

3.9 At each stage in the procedure MRC will want to 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:

- (a) an apology;
- (b) an explanation;
- (c) an admission that the situation could have been handled differently or better;
- (d) an assurance that the event complained of should not recur;
- (e) an explanation of the steps that have been taken to ensure that it should not happen again;
- (f) an undertaking to review policies in light of the complaint.

3.10 Complaints need to be considered and resolved as quickly and efficiently as possible. The formal complaints procedure sets realistic time limits for each action within each stage. 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.

3.11 There is a legal requirement for the formal complaints procedure to be publicised. The way in which MRC does this is by publication on the College website and through posters in reception areas.

4 Recording and Record Keeping

4.1 A complaint may be made in person, by telephone, by email or in writing and details of each must be noted carefully. The "Managing a Complaint" form can be found at Appendix 3.

4.2 The Complaints Co-ordinator is responsible for maintaining all records and holding them centrally. The record evidences the progress of each complaint and the final outcome. A record is kept of the number of complaints registered under the formal complaints procedure during each school year.

4.3 The Complaints Co-ordinator will prepare a brief annual report for the LGB stating the number of complaints received, their nature and outcome.

4.4 Records will be archived for 1 year and for longer in exceptional circumstances.

5 Appeals

5.1 The appeals process is stage 3 of the formal complaints procedure. The decision of the Appeals Panel is final.

- 5.2 There may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the LGB Chair should inform him/her in writing that the procedure has been exhausted and that the matter is now closed.
- 5.3 The complaints procedure cannot be used to replace, or in addition to, other appeals processes where those exist.

6 **Review**

This policy will be reviewed annually.

Appendix 1: Complaints Procedure

Informal Resolution

It is recognised that parents will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their son or daughter. Parents are encouraged to make those concerns known to staff so that they can be addressed in partnership with MRC. Almost invariably, the sooner such concerns are raised the easier it is for an appropriate resolution to be found.

A concern or complaint may be raised with any member of staff. This would normally be your child's *Form Tutor*. That person will try and resolve the matter or will refer you to the appropriate person.

The member of staff will make a written record of all concerns and complaints and the date on which they were received. If the matter cannot be resolved within 3 school days or in the event that you are not satisfied, you will be advised to proceed to make a formal complaint to the Complaints Co-ordinator *Mrs C Denne (Vice Principal)*. If the complaint concerns the Principal, the Complaints Co-ordinator would normally refer you to the Chair of the Local Governing Body (LGB).

Stage One: Complaint Heard by Staff Member

If you need to make a formal complaint it should be in writing and sent to the Complaints Co-ordinator *Mrs C Denne*. If you have difficulty in putting your complaint in writing, you are asked to make an appointment with the Complaints Co-ordinator who will help you do that.

The Complaints Co-ordinator will decide the best person to hear the complaint. It would be helpful if you could indicate if there is someone with whom you might have difficulty discussing the complaint so that your views can be respected. Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the Complaints Co-ordinator may consider referring you to another staff member. The member of staff may be more senior but does not have to be.

In most instances, there will need to be an investigation in order to understand the circumstances surrounding the complaint. That investigation will normally be undertaken by the Complaints Co-ordinator. If the matter cannot be resolved within 5 school days following receipt of the written complaint or in the event that you are not satisfied, you will be advised to take your complaint to the second stage of this procedure.

The Complaints Co-ordinator will make a written record of the complaint, the date on which it was received, the date on which the matter was dealt with and the outcome of the procedure. You will receive a copy of this written record within a reasonable time following this process.

Stage Two: Complaint Heard by the Principal

If you are not satisfied with the outcome of stage one, if you feel that your complaint is sufficiently serious, or if you are dissatisfied with the way in which your complaint has been handled, you may take your

complaint to the second stage of this procedure.

You should put your complaint in writing to the Principal. Again, if you have difficulty in doing that, you are asked to seek assistance from the Complaints Co-ordinator.

The Principal will delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Principal will decide whether it would be helpful to meet with you to discuss your complaint.

The decision in respect of this complaint will normally be made within 5 school days of the Principal receiving the complaint. If the Principal feels that it is necessary, within reason, to ask for additional time, you will be informed.

Appendix 2: Appeals Procedure

1. The third stage of the formal complaints procedure is the LGB's Appeals Panel.
2. The appeals procedure is invoked when a complainant is not satisfied with the outcome of the second stage of the procedure or with the handling of a complaint by the Principal.
3. The complainant is required to put their complaint in writing to the Chairman or to the Complaints Co-ordinator marked for the Chair. It is important that the complainant should set the matter out in sufficient detail.
4. On receiving a written complaint under the appeals procedure, a hearing by an Appeals Panel will be arranged within 10 working days.
5. The complainant may attend the hearing in person and may be accompanied if they so wish; in which case they are required to notify the clerk of the name and occupation of such a person.

The Composition of the Appeals Panel

1. Care must be taken not to involve the whole LGB as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
2. The panel would normally consist of three people, at least one of whom will be independent of MRC. The panel may choose their own chair.
3. It is important that the appeal hearing is as independent and impartial as possible and that it is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the composition 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 Role of the Appeals Panel

1. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between MRC 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 that will satisfy the complainant that his or her complaint has been taken seriously.
2. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcoming as possible. Care is needed to ensure the setting is informal and not adversarial. Extra care needs to be taken when the complainant is a child.
3. The panel may:
 - a) dismiss the complaint in whole or in part;

- b) uphold the complaint in whole or in part;
- c) decide on the appropriate action to be taken to resolve the complaint;
- d) recommend changes to the school's/academy's systems or procedures to ensure that problems of a similar nature do not recur.

Roles and Responsibilities

1. A secretary will be appointed who will be the contact point for the complainant and be required to:
 - a) set the date, time and venue of the hearing, ensuring that the dates are convenient or acceptable to all parties and that the venue and proceedings are accessible;
 - b) invite both the complainant and Principal to put their position in writing for the panel to consider;
 - c) collate any written material and send it to the parties in advance of the hearing;
 - d) record the proceedings;
 - e) notify all parties of the panel's decision.
2. The Chair of the panel has a key role, ensuring that:
 - a) the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
 - b) written material is seen by all parties;
 - c) key findings of fact are made and each side is given the opportunity to state their case and ask questions;
 - d) the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - e) the panel is open minded and acting independently.

Notification of the Panel's Findings and Recommendations

1. The Chair of the panel will ensure that the LGB, the Principal and the complainant are notified of the panel's findings and recommendations, in writing, with the panel's response within 3 working days of the hearing.
2. The decision of the Appeals Panel is final.

Appendix 3: "Managing a Complaint" form

Please complete in BLOCK CAPITALS and return to *Mrs C Denne* (Complaints Co-ordinator) 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	
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 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: _____

For Official use only	
Date acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Complaint referred on (date)	