



## **Newham Collegiate Sixth Form Centre**

A specialist centre for Science and Mathematics

# **COMPLAINTS POLICY**

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### **Purpose**

Complaints Policy

Meeting the needs of students is a core value at the NCS and central to this is working effectively with parent/carers and other stakeholders. The Governing Board believes that feedback is an important part in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The NCS takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints. The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot. Formal procedures will 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.

### **Who can make a complaint?**

Any person, including members of the public, may make a complainant about any provision of facilities or services that the Sixth Form provides, unless statutory procedures apply (such as exclusions or admissions).

### **General Principles**

This 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 the Sixth Form's senior management team so that services can be improved.

### **The Stages of Complaints**

This Complaints Procedure has well-defined stages. 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. Also, further investigations may be required by the Principal after a meeting with the complainant.

Nothing in this policy prevents the Principal or Chair of Governors appointing an external body to carry out an investigation where the circumstances require so. The Principal or Chair of Governors may consider any

recommendations made by the independent investigator when attempting to resolve the complaint but must exercise their professional judgment at all times.

### **Stage 1: Local resolution of the problem or the informal stage**

- The complaint is dealt with by an appropriate staff member (who is not the subject of the complaint).
- In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the subject teacher, Form Tutor, Year Leader or other designated staff member directly involved with the reported problem.
- The initial communication from the complainant to the member of staff may be by letter, email, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least 5 days to respond to the concern.
- If this does not lead to a resolution of the problem, then the concern/complaint must be referred to the next stage of the process.

### **Stage 2: Local resolution of the problem or the informal stage**

- If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to contact the member of staff's line manager/senior member of staff.
- The complainant must allow the designated staff member at least 5 days to respond to the concern from the date the line manager/senior member of staff is made aware of the complaint.
- If necessary, the line manager/senior member of staff will initiate a meeting with the complainant to discuss their concerns. If the complaint is about a senior member of staff stage 2 should be omitted.
- If this does not lead to a resolution of the problem, then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

### **Stage 3: Formal** (if unresolved at Stage 2) The complaint is heard by the Head Teacher.

- If the complainant is dissatisfied with the response from the member of staff at Stage 2 they should be advised to put their complaint in writing to the Principal who will deal with it formally at Stage 3.
- Where the Principal is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors. If the complaint is being dealt with by the Chair of Governors, this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chair of Governors or other appropriate person.
- The complainant must ensure that they include details in writing of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.
- The Principal must acknowledge the complaint within 7 Sixth Form days by writing to the complainant. The acknowledgement should state a further communication will follow, within 20 Sixth Form days that will set out the actions taken to investigate the complaint and the findings.
- The Principal can delegate another senior member of staff to carry out the investigation and report their findings to them. The Principal will then reach a conclusion based on the investigation. All notes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then notes should be produced of the meeting.
- The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Principal.

- Once satisfied that the investigation has been concluded and a decision has been reached, the Principal must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the Principal to the complainant in writing or, if they may feel it appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

#### **Stage 4: Formal** (if not resolved at stage 3)

- If the complainant is dissatisfied with the response from the Principal at Stage 3 they should be advised to put their complaint in writing to the Chair of Governors for consideration at Stage 4 of the procedure.
- The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 3 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1, 2 and 3.
- The Chair of Governors must write to the complainant within 7 Sixth Form days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 Sixth Form days setting out the actions taken to investigate the complaint and the findings.
- The Chair of Governors with two other Governors will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the Sixth Form at Stages 1, 2 and 3. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information if deemed reasonable in the circumstances.
- Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair of Governors will notify the complainant in writing of the conclusion. There are no further rights to appeal.

#### **Principles of investigation**

Principles of investigation to be followed in this procedure:

- to establish what has happened so far, and who has been involved.
- to clarify the nature of the complaint and what remains unresolved.
- to meet with the complainant or contact them (if unsure or further information is necessary).
- to clarify what the complainant feels would put things right.
- to interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- to conduct interviews with an open mind and be prepared to persist in the questioning.
- to keep notes of interview(s).

#### **Recording Complaints**

At the end of a meeting or telephone call, the member of staff will try to ensure that the complainant and the Sixth Form 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. The Sixth Form will record the progress of the complaint and the final outcome.

## Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the 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 identify individuals. The Principal will provide information on an annual basis to the governing body or relevant committee. This will indicate the number and types of recorded complaints, level at which considered and outcomes.

As well as addressing an individual's complaint, the process of listening to, and resolving complaints will contribute to Sixth Form improvement. When individual complaints are heard, the Sixth Form may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Sixth Form and the Governing Body is a useful tool in evaluating the Sixth Form's performance

## Resolving Complaints

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Sixth Form could have handled the situation better is not the same as an admission of negligence.

An effective procedure helps 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.

## If the Complaint has Foundation

At each stage in the procedure, the Sixth Form and/or Chair of Governors will seek to resolve the complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to give one or more of the following:

- an apology.
- an explanation of what actually happened, clarification of the facts.
- an admission that the situation could have been handled differently or more appropriately.
- an assurance that the event complained of will not recur.
- an explanation of the steps that have been taken to ensure that it will not happen again.
- an undertaking to review Sixth Form policies in the light of the complaint.

However, it may be that there are **other outcomes** as follows:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. Some details may then be given of action the Sixth Form may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).

## Dealing with unreasonable, serial or persistent complaints

The NCS is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Sixth Form. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

NCS defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the Sixth Form, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces 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;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the Sixth Form's complaint procedure has been fully and properly implemented.
- Seeks an unrealistic outcome; and/or
- Makes excessive demands on Sixth Form 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.

A complaint 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; and/or
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complaint.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The NCS causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from The NCS.

### **Complainants who behave in an unacceptable way**

If a complainant's behaviour is a cause for concern, the NCS can ask him/her to leave NCS's premises. In serious cases, the Head Teacher or the local authority can notify them in writing that their implied licence to be on East Ham Town Hall's Campus during Sixth Form hours has been temporarily revoked subject to any representations that the complainant may wish to make or allows access a movement only within a defined area.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Governors.

### **Complaint raised after more than 2 months**

To allow for a proper investigation, complaints should be brought to the attention of the Sixth Form as soon as possible. Any matter raised more than 2 months after the event being complained of will not be considered, save in exceptional circumstances.

## Appendix A

### NCS's Complaint Form

Please complete and return to Ms Spiller, Head of Finance, who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
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 as this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date:
OFFICIAL USE
Date acknowledgement sent:
By who:
Complaint referred to:
Date: