

SERVICE BHES & THE MERITON

COMPLAINTS POLICY AND PROCEDURES

Introduction

BHES & The Meriton endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised the service intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

In order to do so, the Management Committee of BHES & The Meriton has approved the following procedure which explains what you should do if you have any concerns about the service. It applies to all sections of the service, and sets out the overall policy and associated procedures for handling concerns and complaints. It has been approved by the Management Committee, and has been prepared in accordance with the applicable provisions of the Education (Independent Service Standards) (England) Regulations 2014 and the Service's public sector equality duty (s.149 Equality Act 2010).

Policy statement

We want to know as soon as possible if there is any cause for dissatisfaction, to enable any concerns to be dealt with quickly and fairly, and minimise any damage to relationships within our community. Parents/carers and students should never feel (or be made to feel) that a complaint will adversely affect a student or his / her opportunities.

A. COMPLAINTS POLICY

Policy principles

This policy aims to ensure that concerns or complaints are responded to sympathetically, effectively, and at the appropriate level. To this end:

- Initial concerns or enquiries will be dealt with at an informal level whenever possible. In most cases issues should be resolved with an individual member of staff.
- Complaints must be dealt with fairly, impartially and in a non-adversarial fashion.
- Complaints must be fully and thoroughly investigated addressing all the concerns raised and dealt with within the stated time limits. If more time is needed to accommodate the investigation this must be communicated to the complainant.

Wherever possible it is useful for the complainant to indicate what actions they feel might resolve the issue at any stage.

The process seeks to provide an effective response and appropriate redress where necessary.

We will respond to every concern or complaint in a positive way with the intention of putting right any matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

In some cases it may be sufficient for the service to acknowledge that a concern or complaint is valid in whole or part. However, in other cases it may be appropriate for the service to offer one or more of the following:

- An apology
- An explanation
- An acknowledgment that the situation could have been handled better
- An assurance that the situation will not recur
- An explanation of the steps taken to ensure that the situation will not recur
- An undertaking to review the Service's systems, procedures or policies in light of the situation.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential save as required by the Education (Independent Service Standards) (England) Regulations 2014, namely where access is requested by the Secretary of State or where disclosure is required in the course of the service's inspection or under other legal authority.

In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.

Complaints Coordinator

The Head will appoint a senior member of staff as Complaints Coordinator, to be responsible for the coordination and administration of the Complaints Policy. If the Complaints Coordinator is unavailable or is the subject of the complaint, his / her duties will be carried out by the Head or another senior member of staff, nominated by the Head. The main responsibilities of the Complaints Coordinator are to:

- be a first point of contact while the matter remains unresolved
- coordinate the complaints procedures across the Service
- arrange assistance for parents who require this, for example, because of a disability, or an interpreter for those who are not fluent in English.
- maintain an on-going complaints management training programme for all service employees, through the Service's Professional Development Manager
- ensure a written record is kept of all formal complaints and their outcomes
- monitor the recording, confidentiality and storage of records in relation to complaints
- report regularly to the Head with respect to complaints, and annually to the Management Committee
- deal with stage 1 (formal) complaints where appropriate

Accessibility

This policy can be made available in large print or other more accessible format, if required. If parents require any assistance with making a complaint, they should contact the Service's Complaints Coordinator via the Service office, who will be happy to provide assistance.

Notices

Any notices to be provided to parents by the service may be made by telephone, email or letter, unless specifically notified by the parent in writing to the contrary.

B. COMPLAINTS PROCEDURES

The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case.

Dealing with complaints

Staff are committed to taking all concerns and complaints seriously, addressing them appropriately and as quickly as possible.

Some concerns will be a matter for everyday conversations between parents and staff, but at times, something more than this is needed. The policy distinguishes between concerns which can be dealt with informally, and the service's formal complaints procedure, as set out in more detail below.

The informal procedure

1. Parents should raise their concern with the relevant member of staff where appropriate (for instance, the student's class or subject teacher, or tutor) who will clarify with the parent the nature of the concern. It can be helpful to identify at this point what outcome the parent is looking for.
2. If the member of staff first contacted cannot immediately deal with the matter, he/she will make a note of the date, parents' names and contact details, and ensure the relevant member of staff contacts the parent as soon as reasonably practicable.
3. If the concern relates to the Head, the parent will be advised to contact the Chair of management Committee through the Clerk to the management Committee, or an agreed substitute, c/o the Service Office.
4. The staff member dealing with the concern will make sure that the parent is clear as to what action has been (or is being) taken, putting this in writing only if the service consider this to be the best way of making things clear or if requested by the parent.
5. Where the parent is dissatisfied with the response to their concern, they should write to the Complaints Coordinator c/o BHES & The Meriton, confirming that they would like their concern to be treated as a formal complaint, in which case the formal procedure below will apply.

The formal procedure

The formal procedure comprises a three stage process:

Stage 1: Complaint heard by the Complaints Coordinator

- The parent's complaint will be directed to the Complaints Coordinator for consideration. The complaint should be made in writing and, where possible, on the standard form in Appendix 1 of this policy. This will be on the Service website.
- The parent will receive an acknowledgement of the complaint within **5 working days** of receipt by the Complaints Coordinator during term time, and as soon as practicable in the holidays.
- The Complaints Coordinator will ensure that the complaint is investigated and that, where possible, a response is provided to parents within **15 working days**. Where this is not possible, parents will be informed of the likely timeframe for the response. Where appropriate, the Complaints Coordinator may refer the matter directly to the Head to be dealt with under Stage 2 of the procedure.
- If the response is unacceptable to the parent, the parent must write to the Chair of management Committee c/o BHES & The Meriton within **5 Service days** of the response of the Complaints Coordinator, setting out the issues which they wish the Service to consider in accordance with stage 2, and the outcomes which they are hoping to achieve.
- The complaint will then be referred to the Head or Chair of management Committee in accordance with stage 2.

Stage 2: Complaint heard by the Head (or Chair of Management Committee if relating to the Head)

- Once notification has been received from the parent, the Head will be referred full details of the complaint, together with any relevant documents and contact details. The complaint will be acknowledged within **5 working days** during term time, (and as soon as practicable, in the holidays) indicating the likely timescale for dealing with the complaint.

The Head will carry out an investigation and may ask a senior member of staff to act as investigator, reporting their findings to the Head. The Head or investigator may request additional information from the parent and may wish to speak to the parent personally and to others who have knowledge of the circumstances.

- Following the outcome of the investigation, the Head will make a decision in relation to the issues raised in the complaint, and notify the parent of his/her decision and the reasons for it. The Head will aim to respond to the parent within **20 working days** from receipt of the Stage 2 complaint. Any complaint received within one calendar month of the end of term, or during a Service holiday, is likely to take longer to investigate.
- If the parent is dissatisfied with the response, they must submit a written request for the complaint to proceed to Stage 3 to the Clerk to the Management Committee c/o BHES & The Meriton (a request by e-mail is acceptable), within **5 working days** of the date of the Stage 2 response from the Head or Chair of Governors. The request should clarify the issues which remain the subject of the parents' complaint, a statement of the desired outcome, full contact details, and include a copy of all relevant documents held by the parents, stating also those documents which the parent believes to be in the service's possession and to be relevant for the Appeals Panel to consider.

Stage 3: Complaint is heard by a Complaints Appeals Panel

- The Clerk to the Governors (the Clerk) will acknowledge the request to proceed to Stage 3 within **5 working days** of receipt, if during term time, as soon as is practicable during Service holidays. Assistance with the request for a hearing can be provided through the Clerk who will make appropriate arrangements.
- The Clerk will convene the Appeals Panel as soon as reasonably practicable, but the Appeals Panel will not normally meet during half-term breaks or Service holidays. Every effort will be made to enable the Appeals Panel hearing to take place within **20 working days** of the receipt of the request.
- As soon as reasonably practical, and, in any event, at least **10 working days** before the hearing, the Clerk will send written notification of the date, time and place of the hearing.

Panel Members / Chair

The Appeals Panel will normally comprise two members of the Management Committee and one independent member (independent of the governance, management and running of the Service). The two Service MC members must have no detailed prior knowledge of the circumstances of the complaint.

The hearing will be chaired by one member of the Appeals Panel, chosen by the Panel members. The Panel may engage an advisor to the Panel, to provide them with appropriate guidance (for instance in relation to procedural matters), who may at their request be present at the hearing.

Attendees

Parents are entitled to be accompanied by a friend or relative at the hearing if they wish. Whilst the hearing is not a legal forum, if the parent wishes to be accompanied by a legally qualified person, acting in their professional capacity, they may do so but must notify the Clerk at least **5 Service days** before the hearing.

A child aged thirteen or more may attend part or all of the Appeals Panel hearing at the discretion of the Chair of the Appeals Panel.

The Panel will invite such witnesses as they believe are relevant to give evidence to the Panel, and who will be asked by the Panel to give evidence as the Panel considers appropriate in all of the circumstances.

Note taking

The hearing is not a legal proceeding. All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Clerk (or agreed substitute) will keep a record of the hearing, a copy of which (excluding any confidential information) will be made available to all parties after the hearing for information

A hearing before the Appeals Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

The role of the Complaints Appeals Panel

The purpose of an Appeals Panel hearing is to review the decisions taken by the Head (or the Chair of Management Committee) at Stage 2. The aim will be to seek to resolve the complaint wherever possible. However, it may only be possible to establish the facts of a situation and make any appropriate recommendations about future action.

The Appeals Panel will firstly seek to establish the facts (i.e. what the Panel believe is more likely than not) surrounding the complaint by considering:

- the documents provided by both parties; and
- any representations made by the parent, their representative (if relevant), the Head and/or the Chair of Management Committee, and any witnesses.

The Appeals Panel will take into account such information as is provided by the parent in their request for their complaint to be considered by a panel, but the Panel will not consider any new areas of complaint that have not been previously raised.

The Appeals Panel shall then reach a decision in relation to the issues raised in the complaint, and consider whether any recommendations are appropriate as per the 'Decision' section below.

Conduct of the hearing

- The Panel Chair will conduct the hearing in such a way as to ensure that the respective parties have the opportunity of raising their concerns, responding to issues raised, and asking questions in an appropriate manner.
- The format of the hearing is for the Panel to determine at their discretion in light of the circumstances of the case, any representations made by the respective parties, and the nature of the issues to be determined.
- The hearing is not a legal proceeding and the Appeals Panel shall be under no obligation to hear oral evidence from witnesses but may do so, and/or may take written statements into account.
- All those attending the hearing are expected to show courtesy, restraint and good manners throughout the hearing. Parties should not interrupt when another is speaking, and questions and concerns will be raised through the Panel, and not directly at another party. Shouting, bad language, or threatening behaviour will not be tolerated under any circumstances. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be noted.
- If the Panel Chair is unhappy with the behaviour of one of the parties, they may at their discretion either adjourn or terminate the hearing. If terminated, the original decision will stand.
- The Panel Chair may also at their discretion adjourn the hearing for further investigation of any relevant issue, or adjourn the hearing to take legal advice.
- Once the Panel have heard such representations as they believe are required to enable them to form a decision on the issues raised, the Panel Chair will close the hearing and inform the parties in relation to the decision making process (as per below).

Complaints Appeals Panel Decision

The Appeals Panel will convene separately to firstly establish the facts surrounding the complaint, which they will do on the balance of probability (i.e. on the basis of what they consider in their judgement is more likely than not to have happened in light of the evidence and representations they have heard).

After due consideration of the matters discussed at the hearing, the Appeals Panel shall then reach a decision in relation to the issues raised, and consider whether there are any recommended steps which they believe are appropriate as a result.

The Complaints Appeals Panel can:

- Reject the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Service's systems, procedures or policies to ensure that similar problems do not recur
- Decide to investigate the complaint further.

The Appeals Panel may make recommendations on these or any other issues to the Head or to the Management Committee as appropriate.

It is not within the powers of the Appeals Panel to make any financial award, nor to impose sanctions on staff, students, or parents.

The decision, findings and any recommendations may be notified orally at the hearing or, in the majority of cases, shall be confirmed in writing (by electronic mail where appropriate) to the parties within **5 working days** of the Panel hearing. If electronic mail is an inappropriate medium, a copy of the decision will be handed or posted to the parent. If the Appeals Panel decides that

- a) The complaint falls outside the scope of this process, the Complaints Coordinator will inform the complainant of any further recourse he or she may have.
- b) The complaint has been upheld, the Complaints Coordinator will inform the complainant of any action taken or proposed, including details of any request to those complained against, to take particular actions to resolve the complaint.
- c) Further investigations required, the Complaints Coordinator will inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the Appeals Panel will be subject to the provisions described above in so far as they are relevant.

If the parent is dissatisfied with the decision of the Appeals Committee, they may contact the Education Funding Agency (EFA) who will consider the complaint on behalf of the Secretary of State.

Vexatious complaints

On rare occasions, despite all stages of the procedure being followed, the complainant may remain dissatisfied. If the complainant tries to reopen the same issue, the chair of the Appeals

Panel or the Chair of Governors, will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Records

The Complaints Coordinator will keep an official written record, including agreed action points, of all formal complaints, and whether they are resolved following Stages 1 and 2, or whether they proceed to a panel hearing, together with the action taken by the Service as a result (regardless of whether the complaint is upheld). The Complaints Coordinator will report the number, level and nature of complaints to the Management Committee on a termly basis.

As above, correspondence, statements and records relating to individual complaints are kept confidential, save for access requested by the Secretary of State or a body conducting an inspection.

Adopted 23rd January 2020

Appendix 1.

BHES & The Meriton. Complaints Form.

Complainants details.

Your name		Date	
Students name		Your relationship to the	
Student Date of Birth		student	

Nature of complaint

	Member of staff		Other students		Management Committee
	Buildings		Provision		Other

Details of Complaint

Please give as much detail as possible, including the names of people involved, date and time of the incident.

Actions already taken

What actions have you already taken to try to resolve your complaint? (e.g. who have you spoken to and what was the response.)

Resolution

What actions do you think might resolve the problem at this stage?

Attached documents/paperwork

Are you attaching any paperwork or documents? Please give details below.

Signed **Name** **Date**

Date acknowledgment sent	
By:	
Name of person complaint referred to	
Date referral made.	
Signature	
Name	
Date	