



Castle Donington College

Complaints Policy

Date ratified and adopted by the Full Governing Board

7th July 2020

Date for review

July 2023

Signed by Chair of Governors

The College follows Guidance and Advice given by the Government and Local Authority when writing policies; in light of this, changes may need to be made after the adoption of this policy and prior to the review date.

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1. Introduction

Our College is committed to working in close partnership with all members of the College community. The College places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the College and the families of children who attend the College. We also desire to have good relations with our neighbours and the wider community.

Our Complaints Policy is aimed to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- make sure everyone at Castle Donington College knows what to do if a complaint is received
- make sure all complaints are investigated fairly and in a timely way
- make sure that complaints are, wherever possible, resolved and that relationships are repaired
- gather information which helps us to improve what we do

Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the College's day to day communication between parents and the College staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed on the following pages.

2. Who can raise a complaint?

Complaints may come from any person or organisation that has an interest in the College. This policy does not cover complaints from staff who should follow the Whistleblowing Policy.

3. Anonymous complaints

The College will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

4. Timescales from submitting a complaint

To enable a proper investigation, concerns or complaints should be brought to the attention of the relevant member of staff at the College as soon as possible, usually within 3 months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

5. Complaints received outside of term time

The College will consider complaints made outside of term time to have been received on the first school day after the holiday period.

6. Confidentiality

All complaint information will be handled sensitively, sharing only with those who need to know and following any relevant data protection requirements.

7. The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or lack of action'*.

8. Resolving Complaints

At each stage in the procedure, we want to resolve the complaint. If appropriate, the College will acknowledge that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review College policies in light of the complaint
- an apology.

9. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, the College will ask them to confirm this in writing.

10. Castle Donington College Complaints Procedure

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 College can be crucial in determining whether the complaint will escalate. To this end all staff and governors are

aware of the procedure to be followed if a complaint is raised. Also, complainants should note that they have a duty to raise a matter as soon as conveniently possible.

The College operates a 4 Stage Complaints Procedure outlined below. If your complaint is about the Principal, you should refer your formal written complaint to the Chair of Governors to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the Principal, she may delegate any of these functions to a member of the Senior Leadership Team if appropriate. In exceptional circumstances, the Principal may commission an independent investigator to undertake an investigation on behalf of the College.

In accordance with equality law, the College will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Stage 1: Informal concern

An initial concern should be raised with the Form Tutor, class teacher or the member of staff concerned. This can be done in by email, writing, by telephone or in person, by appointment. The vast majority of concerns can be dealt with at this stage. It would be helpful to identify from the outset what outcome you are looking for in order for us to address your concern quickly and effectively.

If you are not a parent/carer of a child at our College, please start at Stage 2 and make contact with the Principal to discuss your concerns.

Stage 2: Formal complaint to the Principal

If your concern is not resolved at the informal stage you can make a formal complaint to the Principal, within 10 College days of Stage 1 being concluded. Your complaint should usually be made in writing indicating your desired outcome from the complaint (a form is enclosed for this purpose). Appendix C.

Your complaint will be acknowledged within 5 College days and will include an indicative date for a written response. The Principal will be responsible for ensuring that your complaint is investigated appropriately. They may meet with you to clarify details of your complaint and the resolution that is being sought. The Principal will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the College complaints procedure, or by other procedures such as the disciplinary or safeguarding procedures. If this happens you will be informed of this fact but you will not be advised of the outcome of these proceedings.

On conclusion of the investigation, the Principal will write to you with all appropriate information in relation to the complaint and information on any outcome(s). The response should also inform you of the next stage of the procedure in case you are not satisfied with the response.

Stage 3: Formal Complaint to the Chair of Governors

If you are dissatisfied with the Principal's response or your complaint concerns the conduct of the Principal, then you can make a formal complaint to the Chair of Governors.

Your complaint should be made in writing to the Chair of Governors, care of the College, within 10 College days of the date of the Principal's response to you. Please provide a copy of the written complaint, a copy of the Principal's letter concluding Stage 2 and give details in writing of why you are not satisfied with the outcome.

At this stage the Chair of Governors will generally handle the complaint but can delegate this to a nominated governor. In exceptional circumstances, the Chair of Governors may commission an independent investigator to undertake an investigation on behalf of the College.

You will receive an acknowledgment of receipt of your complaint within 5 College days and an indicative timescale for response.

The governor will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary.

On conclusion of the investigation you will receive a written response of the outcome reached and the process for appeal.

Stage 4: Formal Complaint Complaints Appeal Panel

If you remain dissatisfied with the response to your complaint you may request that it is reviewed by the complaints appeal panel by writing to the Clerk to the Governing Board within 10 College days of the date of the letter notifying you of the outcome of Stage 3.

The Clerk will write to acknowledge receipt of your complaint within 5 College days. The letter will explain the process which is to be followed and information about the how the panel will operate.

The Clerk will convene a Governing Board Complaints Appeal Panel and ask you to provide details of your appeal and any relevant supporting evidence.

The panel will usually consist of 3 governors from the College. These governors will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made and communicated to you.

The remit of the complaints appeal panel is to:

- 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 College's systems or procedures to ensure that problems of a similar nature do not recur.

You will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the College's and Governing Board's involvement with the complaint and explain any further rights of appeal.

Further rights of appeal

If you have completed the College procedure and remain dissatisfied, you have the right to refer your complaint to the Department for Education.

The Department for Education will not normally re-investigate the substance of the complaint. They will look at whether the complaints policy and any other relevant statutory policies were adhered to and comply with education legislation.

The Department for Education can be contacted on 0370 000 2288, on www.education.gov.uk/contactus or in writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

11. Complaints against an individual governor

If your complaint concerns the Chair of Governors or an individual governor you should write to the Clerk to the Governing Board. The Clerk will acknowledge receipt of your complaint within 5 College days. The letter will explain the process that will be followed and the expected timescale for response.

The Chair of Governors will consider complaints about an individual governor and the Vice Chair will consider complaints against the Chair. If for any reason this is not appropriate then another governor will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

12. Timescales for response

Our aim is to address your complaint in a timely and efficient manner. However, there may be occasions when we are unable to achieve the timescale indicated. In this event, we will write to you outlining the reason for the delay and provide you with a new timescale for the conclusion of that part of the process.

13. Complaints about Data Protection

The Principal is responsible for dealing with all complaints in line with this procedure. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the College does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the College has not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:
Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

Appendix A

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Castle Donington College other than complaints that are dealt with under other statutory procedures, including those listed below

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Leicestershire County Council.
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Safeguarding/Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding : Kim Taylor/Lovona Brown 0116 305 7597</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the Behaviour and Exclusions Policy can be made through the College's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our College should complain through the College's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	Complaints from staff will be dealt with under the College's internal grievance procedures.
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the College's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use College premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> • National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the College in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix B

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the College in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and pupils and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Principal / designated complaints governor or other staff member providing administrative support)

The Complaints Co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a pupil
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the Committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, College and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Committee's decision.

Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
 - the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
 - complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a pupil
 - the remit of the committee is explained to the complainant
 - written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider

and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the College are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Committee is open-minded and acts independently
- no member of the Committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the College and the complainant

The College recognises that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a pupil and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the pupil does not feel intimidated.

The Committee should respect the views of the pupil and give them equal consideration to those of adults.

If the pupil is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the pupil's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the pupil needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the pupil to attend a part of the meeting that the committee considers is not in the pupil's best interests.

- the welfare of the pupil is paramount.

Appendix C
Castle Donington College Formal Complaint Form

Your Name:	
Pupil's Name:	
Your relationship to Pupil:	
Address:	
Post Code:	Daytime Tel:
Mobile:	E-mail:
Please give concise details of your complaint:	

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to, when 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.

Signed:

Date:

Official Use:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: