



## **Downs View Life Skills College Complaints Policy**

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## Introduction

Downs View Life Skills College is committed to working in partnership with our learners, parents and carers and the whole college community. We know there will be occasions when people have concerns or complaints and the following procedure sets out the steps that should be followed to ensure that they are dealt with as promptly and appropriately as possible.

Concerns and complaints brought to the attention of the college can be an opportunity to inform, review and help improve our procedures. It is in everyone's best interests to communicate well with one another and we are committed to open conversations as part of the college's development.

This policy has been developed after consulting:

- Downs View (maintained school & college) existing complaints policy
- Headteachers' Steering Group
- Governors' Network
- Department for Education (DfE) School Complaints Guidance
- Best practice from other local authorities

## Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between the college and all those involved.

All staff, trustees, parents, carers and learners at the college should be made aware of this complaints policy and any other policies that may be inter-related (e.g. Positive Behaviour Policy, Health & Safety etc.).

## Key principles of the policy are:

- Accessibility – the policy will be available on the college’s website and also can be requested from the college office. It will be in a useable format, free from jargon and will assume no specialist knowledge.
- Good communication – we are happy to explain the process for dealing with concerns and complaints
- Timescales – There will be clear timescales which we will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales
- Clarity - over roles and responsibilities of those involved in the process
- Confidentiality - Appropriate confidentiality which must be maintained by all involved in the process (including any college staff and trustees)

## Legal context

Downs View Life Skills College is an independent provider of Specialist Post 16 institution (SPI) and therefore not bound by the same legal requirements Downs View maintained special school. The Board of Trustees feel it right and have agreed to follow Section 29 of the Education Act 2002 and have procedures in place to deal with complaints.

## Summary

1. This policy sets out the procedures which Downs View Life Skills Policy will follow whenever it receives a complaint for which there are not alternative procedures.
2. This policy may be used by anyone who has a concern or complaint about any aspect of the college. In the main this will mean parents and carers of the college’s learners, but may include neighbours of the college or other members of the local community.
3. If and when complaints about the college are brought to the attention of Brighton & Hove City Council (the local authority), the complainants will be advised to contact the college in the first instance and to follow the procedures set out within this complaints policy.
4. Informally, where appropriate, the college will take advice from a legal adviser.
5. In all cases where the complaint directly concerns the Headteacher, the Chair of Trustees (or nominated trustee) in the first instance will investigate the complaint.

6. The trustees may need to consider setting up collaboration arrangements with another governing body or board of trustees in the eventuality of not having enough impartial trustees to hear the appeal.

### Monitoring and recording complaints

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response
- Record of any subsequent action if required.

The trustees should appropriately monitor the general nature of complaints over each academic year to inform practice and potential improvements to procedures and policies within the college.

### Upholding- or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- a) That the complaint is upheld (in part or full) and where appropriate some form of action is taken OR
- b) That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given.

If the complaint is upheld (in part or in full) it may be appropriate to resolve the issue by offering to the complainant one or more of the following:

- An emphatic response
- An explanation of events
- Recognition that the situation could have been handled differently or better
- An explanation of the steps that have been taken to endeavour that it will not happen again. However, this must not include any information or detailed action taken involving a member of staff

- An undertaking to review college policies in light of the findings of the complaint.

The complainant may choose to take no further action or take their complaint to the next stage.

## The Stages of the Complaints Process

### Stage 1 (also known as the Informal Stage)

The complainant raises and discusses their concern with the class teacher. Most concerns can be resolved satisfactorily at this stage. However, the staff member may feel it more appropriate to refer the complainant to the Assistant Head/Head of College for DVLSC who will try to resolve the concern informally.

### Stage 2

If the complainant remains unhappy, they should then contact the Headteacher either by arranging an appointment to see them or putting their concerns in writing. The Headteacher (or their nominated representative) will then investigate the concerns and respond within agreed timescales. An acknowledgement will be made of the concern/complaint within five school working days. The Headteacher will respond to the issues raised within 15 school working days of receiving the complaint. If it is not possible to meet these timescales, then the Headteacher will contact the complainant to discuss reviewing these.

If the concern or complaint is against the Headteacher, in the first instance the complainant will need to write in confidence to the Chair of Trustees at the college. The Chair of Trustees will seek to resolve the issue informally before, if necessary, moving to Stage 3.

### Stage 3 (also known as the Formal Stage)

If the Headteacher is unable to resolve the concern to the satisfaction of the complainant, the complainant may write to the Chair of Trustees at the college. The Chair of Trustees will acknowledge the complaint within five school working days and arrange a panel of trustees to be formed to hear the complaint (within agreed timescales). These trustees will have no previous involvement or knowledge of the case. The chair/clerk of the complaints panel will contact the complainant with the arrangements. Both parties may bring their representative with them.

Once the panel has been held the complainant and college will be informed of their decision within five school working days. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. For further details about how the panel should operate see Appendix 1.

#### Stage 4

If the complainant remains unsatisfied by the outcome of the trustees' panel, they may contact the [Education and Skills Funding Agency \(ESFA\)](#). The ESFA cannot re-investigate a complaint the complainant has made to the organisation. They can review whether the organisation has investigated the original complaint in line with their procedure.

The ESFA only accept complaints in writing, by email or letter, except where they are required to make reasonable adjustments.

If you have difficulties in providing details in writing or if you are under 18, they will consider complaints made on the complainant's behalf by a third party. Complaints should be emailed to: [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

or posted to:

Customer Service Team,  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

Details of how the ESFA handle complaints can be found in the government guidance: [Complaints about post 16 education and training provision funded by ESFA](#).

#### Stage 5

If the complainant is unsatisfied at the end of Stage 4 they can contact the Department for Education: Ministerial and Public Communications Division

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### [Contact form](#)

Telephone 0370 000 2288

## What is not covered by this Complaints Policy

- Learner admissions – contact the SEN Team at the local authority [sen.team@brighton-hove.gov.uk](mailto:sen.team@brighton-hove.gov.uk)
- Learner exclusions – appeals to be heard by a Trustees' Exclusions Panel
- Education Health and Care (EHC) plan appeals – contact the SEN Team on [sen.team@brighton-hove.gov.uk](mailto:sen.team@brighton-hove.gov.uk)
- Issues relating to vulnerable adults being [at risk of abuse or neglect](#)– in the first instance contact the Local Authority Adults Social Care team
- Employee grievances/disciplinary/dismissal – refer to the college Business Management Team. Where the complaint results in a staff grievance or disciplinary it is important that the college follows the appropriate procedures and that the complainant should not be given any details of the action involving an individual member of staff.
- Criminal investigations – refer to the police

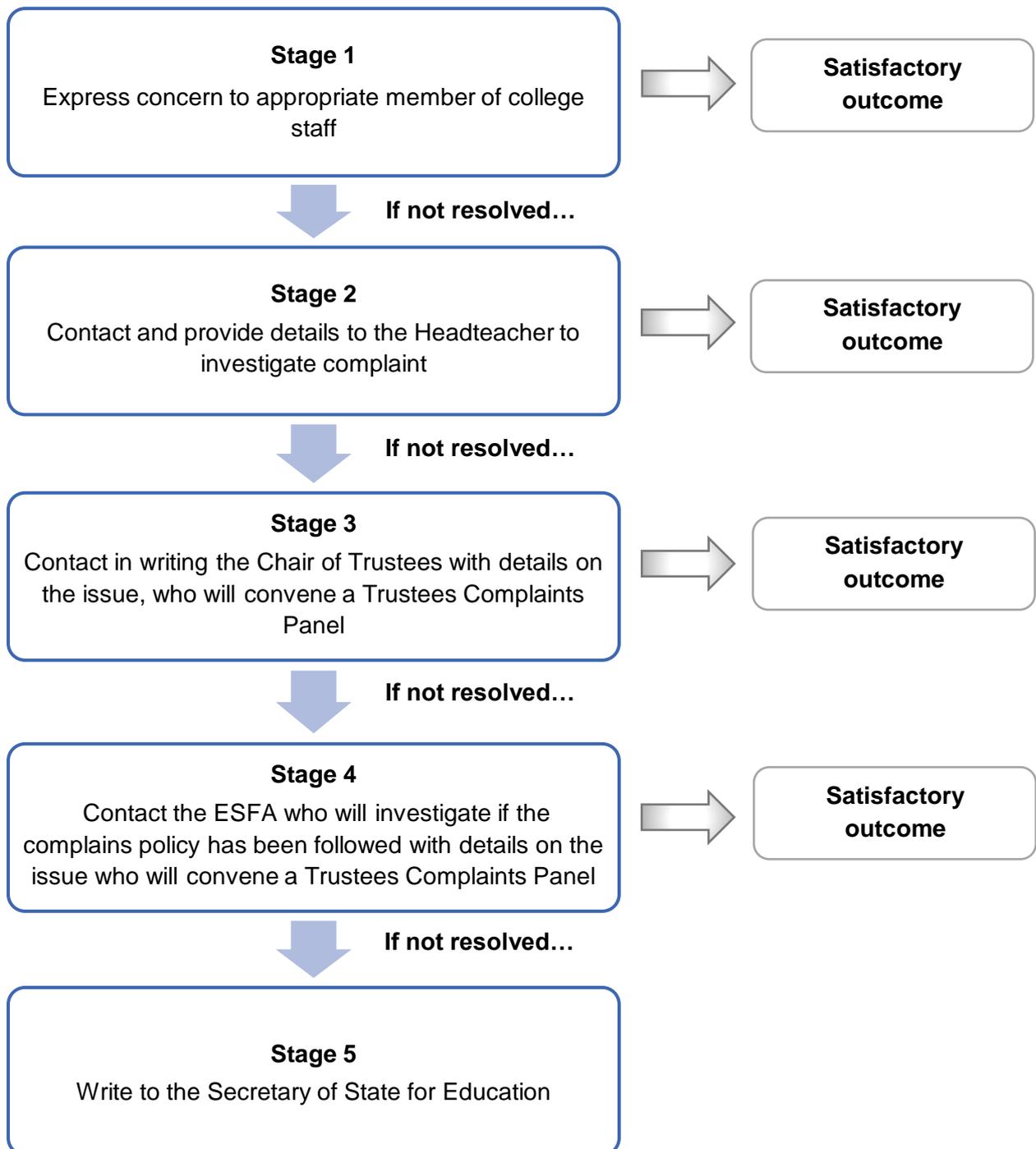
Ofsted have some powers to investigate concerns, but they do suggest the complainant discusses their worries directly with the school in the first instance.

For more information go to:

<https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>

or Telephone: 0300 123 4666.

## Model Complaints Procedure



## Appendix 1

### **How the Trustees' Complaints Panel will run**

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a young adult being present.

1. Both the complainant and the college are invited to attend the panel and arrive at the same time.
2. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
3. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
4. The complainant is given the opportunity to state their case. The panel and the Headteacher have the opportunity to ask any questions.
5. The Headteacher is given the opportunity to state the college's case. The panel and the complainant have the opportunity to ask any questions.
6. The complainant is invited to sum up their complaint.
7. The Headteacher is invited to sum up the college's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time and the panel withdraws to make their findings.

## Appendix 2

### **The Trustees' Complaints Panel: Roles and Responsibilities**

#### **The Clerk to the Panel**

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Trustees' Panel of the written complaint within five school working days, outlining the next steps
2. Arrange membership of the panel, in discussion with the Chair of Trustees, which should be three trustees who have no prior knowledge of the complaint.
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within 15 school working days after receiving the complaint. If the timescales cannot be adhered to the chair of the panel should discuss with the college and the complainant the next most appropriate date.
4. Write to all parties, detailing the following:
  - Date, time and venue of hearing
  - Aims and objectives of the hearing and how it will be conducted
  - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties at least five school working days before the hearing
  - The rights of equal access, accompaniment and representation for both the complainant and the college, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
  - How and when the panel will reach their decision.
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space.
6. Ensure that both parties arrive at the panel at the same time.
7. Record the proceedings and send the typed version to the chair of the panel for checking.
8. Notify all parties of the panel's decision within five school working days.
9. Keep minutes securely on the Board of Trustees' files.

#### **The Chair of Trustees**

- If the formal stage is required the Chair of Trustees will notify the clerk to the panel to arrange the Trustees' Appeal Panel
- If the complaint is about the Headteacher the Chair of Trustees will investigate informally the issue, taking legal or HR advice as appropriate.
- The Chair of Trustees will need to ensure that general nature of complaints over the academic year are appropriately monitored by the trustees to inform practice and potential improvements to the college.

## **The Chair of the Panel**

The chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible.
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The complainant is given the opportunity to state their case – the panel and college then have the opportunity to ask questions and clarify points.
- The college is given the opportunity to state their case – the panel and complainant then have the opportunity to ask questions and clarify points.
- Any witnesses or representatives are only required to attend to give supporting information.
- Both parties have the opportunity to sum up.
- The meeting is drawn to a close and both parties leave the panel at the same time.
- The issues are discussed fully, fairly and are addressed.
- The key findings of the facts are made.

The chair should also aim that:

- The complainant and Headteacher feel 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 outcomes of the proceedings or any involvement in an earlier stage of the procedure.
- Written material is seen by all parties. If a new issue arises the chair can give all parties the opportunity to consider and comment on it.

## **Notification of the panel's Decision**

The chair of the panel must ensure that the complainant and the college are notified of the panel's decision. This is usually within a set deadline that is published in the Complaints Policy or mutually agreed.

The panel will either:

- Uphold the complaint
- Reject the complaint
- Uphold the complaint in part

The letter must explain any further rights of appeal and if so, who to contact.