



**KEY SKILLS TRAINING**

# **Complaints Procedure**

Management Team

Updated: December 2018

Ratified by Management Team: December 2018

## **1 LEGISLATION**

Section 29 of the Education Act 2002 requires every maintained organisation to establish a procedure for dealing with complaints relating to the organisation and to publicise the procedure.

Section 39 of the Education Act 2002 defines a maintained organisation as being a community, foundation or voluntary organisation, a community or foundation special organisation or a maintained nursery organisation (a nursery organisation which is maintained by a local education authority and is not a special organisation).

This document sets out the complaint's procedure for Key Skills Training.

## **2 GENERAL PRINCIPLES**

2.1 Key Skills Training adopts a three-stage process for dealing with formal complaints. Further details of each stage together with roles and responsibilities of staff involved can be found in Section 3 of this document. The three stages are:

Stage 1 – complaint heard by member of staff

Stage 2 – complaint heard by Head of Education

Stage 3 – complaint heard by Director complaint appeal panel

2.2 We will make every effort to resolve a complaint informally in the first instance, without the need to invoke the formal complaints procedure. In most cases this can be achieved by a discussion between the class teacher and the complainant

2.3 Key Skills Training have nominated a member of staff to be the organisation's 'complaints co-ordinator' this is the Head of Education Stacey Taylor. The complaints co-ordinator will be responsible for the following:

- Acknowledging receipt of the complaint
- Effective recording of all complaints received
- Monitoring responses
- Ensuring responses are made within a reasonable timescale
- Identify trends and themes arising from complaints and report same to organisation's senior management team

2.4 Key Skills Training have an easily accessible complaints procedure. This procedure will:

- Encourage informal resolution
- Be easily accessible, publicised and included on the organisation web site
- Be simple to understand and use
- Be impartial and non-adversarial
- Allow swift handling and establish timescales for dealing with the complaint
- Ensure a full and fair investigation by an independent person if necessary
- Maintain confidentiality of all involved

- Address all points of complaint, provide an effective response and offer appropriate redress where appropriate
- Provide information to the organisation's senior management team so that services can be improved

## **Investigating Complaints**

2.5 The person investigating the complaint will ensure they:

- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them to verify information provided or gain further information
- Clarify what the complainant feels would resolve issues – establish desired outcomes
- Interview those subjects of, and involved in, the complaint (interviewees may be accompanied if they so wish)
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of all interviews

## **Resolving complaints**

2.6 Key Skills Training will use the following responses in an attempt to resolve a complaint if appropriate:

- An acknowledgement that the complaint was justified – this can include an outcome of upheld or partially upheld. Please note that unjustified complaint outcomes will be not upheld or unable to substantiate
- An apology
- An explanation
- An admission that the situation could have been handled better or differently
- An assurance that the reason for the complaint will not recur
- An explanation of the steps taken to ensure there will be no recurrence
- An undertaking to review an organisation policy or procedure as a result of the outcome of a complaint

## **Vexatious complaints**

2.7 This Policy should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Management Team will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

## **Time Scales**

2.8 Complaints will be acknowledged, investigated and resolved as soon as possible. The complainant will be notified of the anticipated timescales for dealing with the complaint when receipt of the complaint is acknowledged.

### **3 FORMAL COMPLAINTS PROCEDURE**

3.1 Key Skills Training adopts a three-stage procedure for dealing with complaints.

3.2 There is not a stage 4 (referral to the local education authority) The local authority may only become involved in organisation related complaints where the complaint involves organisation admissions & allocations, organisation transport, some aspects of Special Educational Needs, organisation exclusions, the curriculum or religious worship

3.3 The local authority does have a Children's Services Complaints and Feedback Manager who will be able to offer advice and guidance on how to deal with and resolve organisation complaints.

#### **Stage 1 – Complaint heard by staff member (i.e. Teacher or Subject Head)**

3.4 The aim is to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the class teacher or head of subject.

3.5 If that member of staff did not feel comfortable investigating the complaint or the complaint was about that staff member then the complaints co-ordinator can ask another staff member to investigate the complaint or immediately escalate the complaint to stage 2.

#### **Stage 2 – Complaint heard by Head of Education**

3.6 During this stage the Head of Education can delegate the task of collating evidence and information relating to the complaint but the decision on any action to be taken as a result of the complaint and the response should come from the Head of Education.

#### **Stage 3 – Complaint heard by Management Committee Complaints Appeal Panel**

3.7 The complainant needs to write to the Management Team giving full details of the complaint and the reason why he/she remains dissatisfied with previous attempts to resolve the complaint.

3.8 The Chair, or a nominated governor, will then convene a Management Committee complaints panel

3.9 The Management Committee Complaints Panel will consist of 3 to 5 governors and should not include all of the Committee. This is so impartiality may not be compromised in case a panel is then required for a disciplinary hearing against a member of staff as a result of a complaint.

3.10 One of the Management Team will be appointed as the Chair of the Management Committee.

3.11 The role of the Management Team will include:

- Ensuring that the correct process has been followed
- The remit of the panel is explained to each party at the beginning of the proceedings – i.e. that all parties will have the opportunity to have their say without being interrupted
- That all issues are fully addressed
- Ensure that complainants are put at ease and do not feel intimidated
- Ensure the hearing is conducted informally and that all parties treat each other with courtesy and respect
- The panel is open minded and acts independently
- No panel member has had any previous involvement in the complaint
- All parties are given the opportunity to see any written documentation and to comment on it.

The Chair will also ensure that the complainant is informed of the Panel's decision, in writing, within 15 working days of the Panel hearing. This letter should inform the complainant of their right of appeal should they remain dissatisfied.

3.12 None of the governors on the panel should have had any prior involvement in the complaint.

3.13 The panel hearing will be held in private and the aim should be to resolve the complaint, achieve reconciliation between the organisation and the complainant and assure the complainant that his/her concerns have been taken seriously.

3.14 The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate), decide and agree on appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.

3.15 Care will be taken to ensure that the complainant does not feel intimidated by the process, especially if the complainant is a child. Consideration should therefore be given to setting and layout of room etc.

3.16 A clerk to the panel will be appointed (this could be the complaint coordinator or another member of staff). The clerk will be responsible for the following:

- Arranging the time, date and venue for the hearing
- Collating and distributing any written information, including details of the previous stages of the complaint, to all parties in advance of the hearing
- Meeting and welcoming the parties as they arrive
- Notifying all relevant parties of the panel's decision

## **4 MANAGING AND RECORDING COMPLAINTS**

4.1 The complaints co-ordinator will keep a log of all complaints received as this will help to identify any recurrent trends or themes

4.2 A file will also be kept containing all written communication in relation to the complaint together with brief notes of any telephone conversations etc.

4.3 Although there is a legal requirement for each organisation to publicise their complaints procedure it is up to the Director to decide how they would like to do this.

## **5 ESCALATION OF ORGANISATION COMPLAINTS FOLLOWING STAGE**

Should a complainant remain dissatisfied following a Stage 3 complaint they have a right to escalate their complaint to the following:

### **Local Authorities**

Local Authorities MAY consider complaints in relation to organisation admissions & allocations, organisation transport, some aspects of Special Educational Needs, organisation exclusions, non-delivery of the curriculum, religious worship and tuition at home.