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## 1. Purpose

- 1.1. RBAir seeks to provide a high quality learning experience for all its students. We aim to practise professionally and effectively at all times but acknowledge that, on occasion, we may fail to meet our aim. Under such circumstances we want anyone who feels that the organisation or a specific member of staff has failed to perform their job in a professional manner to understand how to raise their concern, to be able to raise it without fear of negative response, and to understand how the concern will be dealt with.

## 2. Scope

Since 1 September 2003 governing bodies of all schools in England have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires that the procedure be publicised. This policy is written to ensure that parents/carers of students at RBAir, or other persons who wish to raise a concern regarding provision or practice, understand how to do that.

There is a separate whistleblowing policy that staff should read and refer to should they wish to raise concern(s) re the practice of (an)other member(s) of staff.

*RBAir has a nominated trustee who is responsible for monitoring the way in which complaints are responded to.*

RBAir understands the requirement to ensure that a complaints procedure is drawn up and effectively implemented. In order to comply with statutory requirements, the procedures:

- are made here in writing;
- are available to parents / carers of students on the Red Balloon website or, on request, in writing;
- set out clear time scales for the management of a complaint;
- allow for a complaint to be made and considered initially on an informal basis.

RBAir will ensure that a written record is kept of all complaints that proceed to the formal stage together with any action taken as a result of the complaints regardless of whether they are upheld. Further we will ensure that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 requests access to them. Any findings reached and / or recommendations made will be available for inspection by the proprietor, the chair of trustees and the Head of Centre.

*NB Wherever the term parents is used in the policy, that means any person with parental responsibility for the young person.*

### **3. Policy statement and provision**

RBAir seeks to:

- encourage resolution of problems by informal means wherever possible;
- make procedures easily accessible;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action, 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 school's senior management team so that services may be improved if appropriate.

In investigating complaints RBAir will:

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

In seeking to resolve complaints, it might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur, together with...
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review RBAir policies and / or practice in light of the complaint.

### **Procedures**

Aims and objectives

RBAir seeks to be fair, open and honest when dealing with any complaint. Careful consideration is given to all complaints and we aim to deal with them as swiftly as possible.

We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. Further we aim to provide sufficient opportunity for any complaint to be fully discussed and subsequently resolved.

The complaints process

The process has three distinct sections:

- informal (stage 1),
- formal (stage 2),
- panel hearing (stage 3).

### Stage 1 - informal...

If, for example, a parent is concerned about anything to do with the education that we are providing at our centre they should, in the first instance, either by telephone or through an arranged meeting, discuss the matter with the Headteacher or with a member of staff nominated by the Headteacher. Most matters of concern can be dealt with in this way. All staff work very hard to ensure that each young person is well provided for at RBAir, is happy at RBAir, and is making good progress. They always want to know if there is a problem so that they can take action before the problem seriously affects any young person's progress. All Red Balloon staff involved will listen carefully to any concern expressed, treat the complainant respectfully and make every attempt to ensure that concerns are allayed and / or the matter resolved.

The Head of Centre or trustee will respond within five working days when a concern is raised - s/he will assure the complainant that the complaint has been received and will be responded to, and arrange either a meeting that is mutually convenient or a time for a further telephone conversation). This conversation or meeting will be arranged within ten working days of the concern being raised, unless there are exceptional circumstances.

It may be necessary to hold further meetings to ensure that the complaint has been appropriately responded to, and any improvements in practice identified as a result of the complaint, implemented.

Assuming that the parent is content that the response has been sufficient and appropriate, this will still be deemed to be an informal response.

### Stage 2 - formal

#### - what to do if the matter is not resolved through informal discussion.

In any situation where a parent or other complainant feels that the complaint they have made has not been sufficiently well dealt with, or that their concern is of such a serious nature that an informal response is insufficient, then they should request that the process move to a formal investigation. In order to do this they should put their concerns into a written form (email is acceptable), submit that to the Headteacher (or nominated trustee in the case of complaints concerning the Headteacher) and make an appointment to discuss it formally with the Headteacher (or nominated trustee). Appendix A provides a template for Stage 2 complaints, although other written forms of complaint are also acceptable.

The Headteacher (or nominated trustee) must then acknowledge receipt of the complaint within three working days of receipt. The Headteacher will supply the complainant with details of the complaints procedure and will then carry out an investigation regarding the complaint. This may involve interviewing staff or students, examining internet records, checking students' work or any other activity pertinent to the complaint.

The Headteacher must complete this process within thirty working days of receipt of the formal complaint - unless the nature of the complaint requires investigations of exceptional length and detail. S/he must make coherent records of their investigation and share these with the complainant at the conclusion of the investigation.

The Headteacher will then share details of their findings in the meeting with the complainant, which should take place within 5 working days of the completion of the investigation. The Headteacher will explain whether they consider the complaint to be wholly or partially legitimate or unsubstantiated and explain, if appropriate, how either practice or policy will be amended to ensure best practice in the future.

*If the complaint concerns the practice of the Headteacher*, then the written (again email is acceptable) details should be submitted to the nominated trustee for complaints (contact details available on the website) who is charged with managing such complaints at the formal stage. S/he will then contact the complainant and investigate the complaint in the same manner as that described above when the Headteacher investigates a complaint. Again the investigation process should be completed within thirty working days and the nominated trustee will meet with the complainant to explain the outcomes of the investigation.

### Stage 3 - panel hearing

If, following the meeting with the 'investigator', the complainant feels that the complaint has either been not properly investigated or that the response to the complaint is unacceptable, then s/he should submit a further complaint to the chair of trustees requesting further investigation. Appendix B of this policy provides a template for this type of complaint. This will lead to a panel hearing.

This complaint must be made in writing (as stated previously email is acceptable), stating the nature of the complaint, how the centre has handled it thus far, and whether the complaint at this point concerns:

- a perceived failure to investigate the initial complaint properly;
- a belief that the findings were correct but have not been appropriately responded to;
- a wish to contest the findings.

All records from this formal element of the process must be logged and filed and be available to the panel when a hearing is required.

The Chair of Trustees must acknowledge receipt of the stage 3 complaint within five working days of receipt. The Chair of Trustees will supply the complainant with details of the stage 3 complaints procedure and will then carry out further investigation regarding the complaint. They will arrange a panel meeting to consider the complaint, to take place within ten working days of receipt of the stage 3 complaint. They will invite the person making it to attend the meeting, so that they can explain the complaint in more detail. The chair of trustees will give the complainant at least five working days notice of the meeting and explain to them that they may be accompanied by a person of their choosing, who is unconnected with the complaint or investigation, if they so wish.

The panel will consist of a minimum of three people who were not directly involved in the issues covered by the complaint. One of those panel members should be 'independent of the management and the running of the school'. DfE advice is that persons suitable for this role are those, "who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments - examples of persons likely to be suitable

are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force”.

After hearing all the evidence, the chair of trustees will consider their decision and inform the complainant about it in writing or in a different format as requested. The findings and recommendations will be provided to the complainant and, where relevant, the person complained about. This will be done as soon as possible, but, at the latest, within ten working days from the panel hearing. The trustees will do all they can at this stage to resolve the complaint to the complainant’s satisfaction, and will ensure that any action identified as required is undertaken.

At this stage the process is complete from a centre viewpoint. Complainants do, however, have the right to contact either the DfE (Secretary of State) or the Independent Schools Inspection Service if they still believe that the complaint has not been satisfactorily dealt with.

## **Frivolous, malicious, and/or vexatious complaints**

Frivolous, malicious and/or vexatious complaints are defined as:

- complaints which are obsessive, harassing, or repetitive
- insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- insistence on pursuing what may be meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value

RBAir has a responsibility to protect its staff against unacceptable behaviour and provide a working environment that is safe, respectful and tolerant. Consequently it is expected that students, their representatives and staff members should act reasonably and fairly towards each other and treat the process with respect. Behaviour that is unreasonable, aggressive or abusive, verbal or written, will not be tolerated and may result in your access to the complaints procedure or to staff connected with your complaint being limited or withdrawn.

The decision to limit or withdraw access is not taken lightly. In the event that this decision is taken we will provide this in writing, including the reason(s) why this decision has been taken.

In the event that your access to staff or to the complaints procedure is limited or withdrawn you may appeal the decision by submitting your grounds in writing to the Chair of Trustees who will review the appeal and respond to you within 5 working days. The Chair of Trustees has the final decision.

## **Monitoring and review**

The trustees monitor the complaints procedure in order to ensure that all complaints are handled properly. The Headteacher ensures that all complaints received by the centre are

logged and that records are kept detailing how they were resolved. The trustee responsible for complaints examines this log annually.

From 2015 a written record of complaints is limited to those made under the formal part of the procedure. In each case the centre will record whether the complaint has been resolved and at what stage that happened. RBAir will also keep a separate record of any informal complaints to enable any patterns of concern to be monitored.

Centres will also record any action taken as a result of these complaints (regardless of whether they are upheld), and ensure that correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.

Trustees will take into account any local or national decisions that affect the complaints process, and will ensure any necessary modifications are made to this policy.

The number of formal complaints registered under the formal procedure during the preceding year will be displayed on each centre's website.



## Appendix A: Template for making a Stage 2 complaint

Please complete and return to the headteacher, who will acknowledge receipt and explain what action will be taken.

(Please try to provide as much detail as possible, if using a word processor, the boxes expand)

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-mail address:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

(eg: who did you speak to 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.

Signature:

Date:

**Official use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

## Appendix B: Template for making a Stage 3 complaint

Please complete and return to the chair of trustees, who will acknowledge receipt and explain what action will be taken.

(Please try to provide as much detail as possible, if using a word processor, the boxes expand)

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-mail address:

Which of the following best describes your reason for requesting that trustees investigate your complaint?

- *You think we have failed to properly investigate the complaint you made.*
- *You think that the complaint was properly investigated, that the conclusions reached were correct but that we have not taken sufficient action to remedy the situation*
- *You think that the conclusions that were reached in response to your written complaint were incorrect*

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint?

(eg: who did you speak to 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.

Signature:

Date:

**Official use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: