



ENERGY COAST UTC

COMPLAINTS POLICY

2019-2022

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Introduction

The aim of the Energy Coast UTC is to ensure high quality education for students and effective working relationships with their parents/carers. Opinions of stakeholders may be sought in a variety of ways throughout the academic year. One of the ways to accomplish this is to have open and clear channels of communication, and to take seriously concerns or complaints from any stakeholder, parent/carer, student, employer or visitor.

This procedure explains how to do this and the process that will be followed by the UTC.

Aims

The UTC will aim to:

- Ensure that all concerns (informal complaints) or complaints are managed as quickly and effectively as possible;
- Respect confidentiality and is non-adversarial in approach;
- Seek to determine an effective outcome of concerns or complaints with appropriate redress where necessary;
- Use the outcome of concerns or complaints to inform further improvement in the UTC's operations and services.

Definitions:

- A **concern (informal complaint)** is any query concerning the operation of the UTC which reflects adversely upon it;
- A **continuing concern** is any query left unresolved or any query which is received more than once;
- A **persistent concern** is any query which is repeatedly brought to the attention of the UTC;
- A **complaint** requires the attention of the Senior Leadership Team of the UTC.
- **Complaints** are defined as matters relating to breaches of the law, to non-compliance with DfE Regulations, any issue which would bring the reputation of the UTC into disrepute and any unresolved persistent concerns

Stage 1: Concerns (Informal Complaints)

Concerns will be dealt with by the member of staff best placed to address the issue who will undertake an investigation of the situation. If the complaint is in relation to the Principal, the Chair of Governors will need to deal with the complaint and all associated investigations and communication.

When concerns are received by telephone it is the role of the receptionist to route the call to the most appropriate member of staff. In the event of any uncertainty or if the most appropriate person is unavailable then the call will be directed to a member of the Senior Leadership Team.

A parent/carer expressing a concern about a SEND student should contact their child's Form Tutor. If the Form Tutor cannot resolve the issue, it will be referred to the SENCO.

Any concerns expressed in writing will be passed to a member of the Senior Leadership Team who will direct them to the person most appropriate member of staff.

It may be that the Principal has not been aware of the concern raised prior to this point. At this stage the Principal will, in most cases, resolve the matter to the satisfaction of all concerned without recourse to the complaints procedure.

We will acknowledge informal complaints within 3 working days (working days do not include school holidays), and thoroughly investigate and provide a response at the latest within 10 working days (working days do not include school holidays).

Resolutions may include an apology, explanation, admission that the situation could have been dealt with more effectively, an assurance that the situation will not recur or an undertaking that the UTC will review the procedure in light of the concern.

If the complainant thinks that their complaint has not been resolved through the informal stage, then they can take their complaint to Stage 2. Complaints should be submitted in writing within 10 working days (working days do not include school holidays) of the response.

Stage 2: Complaints (Formal Complaints)

All formal complaints must be received in writing, using the Complaints Form, which can be downloaded from the UTC website or obtained from Main Reception at the UTC, giving as much detail as is possible. If you need assistance completing the form, reception staff will provide support.

Acknowledgement of the complaint should be made to the complainant within 3 working days (working days do not include school holidays). This will include details of what will happen next, the timescales involved and the person who will be dealing with the complaint; this will usually be the Principal. Written records will be kept of meetings and telephone conversations during the investigation.

The person who has been nominated to carry out the investigation will inform the complainant of the outcome within 15 working days (working days do not include school holidays) with a written response (this may be longer in exceptional cases).

This will include a full explanation of the decision and the actions, where appropriate, that Energy Coast UTC will take in relation to the complaint. The complainant will be offered the opportunity to discuss the response to the investigation.

If it is not possible to resolve the complaint within 15 working days (working days do not include school holidays) then a further written acknowledgment will be sent to the complainant detailing the progress to date.

If the complaint leads to action being initiated under other procedures e.g. disciplinary or safeguarding/child protection, then the complaints procedure will be suspended until action under the other procedures (including appeals) have been concluded. The complainant will be notified that this is the case and informed of the delay in the resolution of the complaint. However, the complainant will not be entitled to know which other procedures have been initiated or the outcome of these.

Energy Coast UTC will treat all complaints with respect during and after the investigation. The details of the complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution and except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

All complaints will be entered onto the Complaints Log which will be held by the Principal's Executive Assistant with the:

- Date complaint received;
- Nature of complaint
- Person in charge of the investigation;
- Outcome of the investigation;
- Date complaint response sent;
- Closure of complaint.

The UTC will record the action taken as a result of complaints (regardless of whether they are upheld).

All documentation with regard to the investigation will be held by the Principal's Executive Assistant. The documents generated by it could be accessed by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act.

Stage 3: Review by the Chair of the Board of Governors

If the complainant feels that the complaint has not been investigated appropriately in accordance with this Policy, then the complainant should notify, in writing, the Clerk to

the Board of Governors at Energy Coast UTC. This should be done within 10 working days (working days do not include school holidays) of receiving the outcome letter.

The Clerk to the Governors will acknowledge receipt of the complainant's letter within 3 working days (working days do not include school holidays). The Chair of Governors will need to consider whether it is appropriate for him/herself to investigate the complaint or whether to convene a panel. If a panel is convened, two Governors who have not been involved previously should be appointed, and one other panel member, who must be independent of the management and running of the school.

The Clerk to the Governors will inform the complainant of the process, the timescales involved and the person who is progressing the investigation. This will either be the Chair of Governors or the panel.

If **the Chair of Governors** investigates the complaint:

- They will review the documentation from the initial investigation;
- Invite the complainant to meet with them to discuss their complaint and allow the complainant to present any further evidence with 10 working days (working days do not include school holidays) of receiving the complaint letter;
- Inform the complainant their findings with an explanation within 20 working days (working days do not include school holidays) of receiving the complaint (in exceptional cases this may be longer).
- If the complainant is not satisfied with the response from the Chair of Governors, then the UTC will make provision for a hearing before a panel and the timescales involved.

In the event that **a panel** is convened to investigate, the following procedure will be followed:

- The panel will meet within 20 working days (working days do not include school holidays) of receiving the complaint. It will consist of two Governors, who will be a cross-section of the Board of Governors but not the Principal or Chair of Governors and one panel member, who will be independent of the management and running of the school. The panel will elect its own Chair;
- The Chair of Governors will write, at least 5 working days (working days do not include school holidays) in advance, of the date, time and place of the panel meeting
- The complainant will be invited to the meeting and can be accompanied by a friend/advocate;
- The Principal or Chair of Governors will be asked to prepare a written response for the panel in response to the complaint;
- The complainant and other panel members will be sent all relevant documents by the Clerk to the Governors in advance of the meeting;

- The complainant will be sent notification of the outcome of the panel meeting within 5 working days (working days do not include school holidays) of the meeting. When the panel makes findings and recommendations, a copy will be provided to the complainant and, where relevant, the person complained about.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Principal.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The decision of the Chair of Governors or by the Governor's panel is final.

Stage 4: Appeal to the Education and Skills Funding Agency (ESFA)

If the complainant is dissatisfied with the outcome of the UTC's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the UTC. The ESFA will not overturn a decision about a complaint. However, it will look into:

- Whether there was undue delay, or the UTC did not comply with its own complaints procedure
- Whether the UTC was in breach of its funding agreement with the Secretary of State
- Whether the UTC has failed to comply with any other legal obligation.

If the UTC did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the UTC's complaints procedure is found to not meet regulations, the UTC will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage:

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

Records

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

A record of the number of complaints received under the formal procedure during each academic year will be available upon request in writing from the Principal's Executive Assistant.

Implementation

Parents/carers will be made aware of the UTC Complaints Policy and will be able to download a copy from the website or request a copy from the UTC. All members of the UTC staff will be aware of the complaints procedure and understand:

- The importance of attempting to resolve problems before they become formal complaints;
- The importance of treating complaints respectfully and confidentially;
- The importance of keeping accurate and formal minutes.

Roles and Responsibilities

The role of the **Clerk** is the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the panel's decision in writing either by electronic mail or otherwise.

The role of the **Chair of the Governing Body** or the **nominated Governor's role** is to:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Clerk to arrange the panel;

The role of the **Chair of the Panel** is to ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers and others who may not be used to speaking at such a hearing are put 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 outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties.

Monitoring and Evaluation

The Governing Body and Principal will monitor the operation and effectiveness of the UTC's Complaints Procedure on a bi-annual basis.

Appendix 1

Investigation by the Chair of Governors or Panel

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between the UTC and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the governors do not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.

In all cases, whether dealt with by the Chair or Governor or panel, the following must be established:

- **Determine the facts**
Decisions must be made on the balance of probabilities, which means that that the evidence demonstrates that that it is more likely than not that a particular event or action occurred.
- **Identify what should have happened**
By referring to relevant policies, procedures, or using common sense, determine how the situation could have been handled. Refer to the relevant policy and procedure in the response to the complaint and, if possible, enclose a copy. If it is simply a matter of common sense then explain that this is what you would have expected to occur.
- **Identify any significant failings**
Was anything handled inappropriately, in the circumstances? Significant failings mean that, in the circumstances of this case, a particular action was unreasonable. However, if there was a valid reason for that action then, even if there is disagreement with that reason, the action could be deemed as reasonable.
Reasonable means that a large proportion of people in that profession, job, or in that situation, would have behaved in the same way.
- **Conclusions reached.**
If it is subsequently felt that the UTC, its staff or governors acted inappropriately then an apology must be given, together with a brief outline of

what will be done to put things right. However, it must be remembered that those involved may have a right to their personal information being kept confidential.

If it is subsequently felt that the UTC, its staff or governors acted properly then this should be said. Explain that no further action will be taken but that the UTC will continue to support the child, the alleged perpetrator, the parents/carers, the family etc., despite the decision not to uphold the complaint.

Appendix 2: Letter of Response

Whether the complaint has been investigated by the Chair of Governors or a panel, a written response should be sent confirming the outcome of the investigation and how this conclusion had been reached.

The following items should be considered for inclusion in the letter of response:

Introduction – a couple of lines explaining the purpose of the letter;

Outline the complaint – use bullet points if easier;

Explain how the complaint was investigated, for example:

- Spoken with staff;
- Reviewed correspondence;
- Checked college records;
- Re-examined relevant policies;
- Sought advice from appropriate professionals.

Describe your conclusions – essentially, what the evidence demonstrates happened.

Address each complaint individually:

Possibly by referring to the account of what happened that you have already provided; Apologise, if necessary;

Explain what the College will do next, but if the complaint was not upheld state that no further action will be taken.

Summarise – possibly ending this paragraph with an assurance that their complaint was treated seriously and investigated in line with the College policy.

End – tell the complainant where they can now take their complaint, if they are not satisfied.