



# The River Bourne Edge

## Complaints Policy

## Introduction

At the River Bourne Edge our objective is to provide a secure, calm and welcoming environment for students and staff. We recognise that these aspirations can only be achieved by the wholehearted commitment and support of the whole provision community. Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint.

## Aims

Our provision aims to meet its statutory obligations when responding to complaints. It is not always appropriate to investigate an anonymous complaint unless there are exceptional circumstances. The Head/Director can use their discretion to decide whether the gravity of the anonymous complaint warrants an investigation.

When responding to complaints, we aim to:

- Resolve through informal discussion where possible
- Treat all complainants with respect and dignity
- Be impartial and non-adversarial
- Deal with complaints within clear time limits
- Address all the points at issue and provide an effective and prompt response
- Allow complainants to be supported by a person of choice
- Keep accurate records of all complaints and the outcome if there is one
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate; in line with the principles of administrative law.
- Keep Complainants informed of the progress of the Complaints Process.
- Use any genuine complaint information to feed into our improvement evaluation process

At The River Bourne Edge we try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The provision will aim to give the Complainant the opportunity to complete the Complaints Procedure in full.

To support this, we will ensure we publicise the existence of this Policy and make it available on our website.

Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

## Definitions and Scope Definitions

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Provision will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

## Scope

Parents of learners accessing the provision and other stakeholders involved with the provision or provision facilities can access the provision’s complaints policy via our website.

Some Complaints may require contact with the different agency.

While any member of the public can report concerns to any of the organisations listed below, providers receiving a complaint related to any of these areas will need to contact the relevant authority.

#### Complaint

Child protection – Contact Wiltshire Council

Criminal behaviour – Contact Police

Data Protection – Contact – ICO

Special Education Needs and Disability – Contact Wiltshire Council

There may be occasions when Complainants would like to raise their concerns formally. This Policy outlines the procedure relating to handling such complaints.

#### Principles for Investigation

When investigating a complaint, we will try to clarify:

- What has happened?
- Who was involved?
- What the Complainant feels would put things right.

#### Timescales

The Complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next working day.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the Complainant.
- Send the Complainant details of the new deadline and explain the delay.

#### Stages of Complaint Stage 1: Informal

The provision will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The Complainant should raise the complaint as soon as possible with the relevant member of staff or the Head either in person or by letter, telephone or email. If the Complainant is unclear who to contact or how to contact them, they should contact the provision: Email: [info@theriverbourneedge](mailto:info@theriverbourneedge)

The provision will acknowledge informal complaints within 3 working days, investigate and provide a response within 5 working days.

The informal stage will involve a communication between the Complainant and a relevant member of staff.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Stage 2: Formal**

The formal stage involves the Complainant putting the complaint to the Head of The River Bourne Edge, this can be delivered:

- In a letter or email.
- Over the phone.
- In person.
- Through a third party acting on their behalf.

The Complainant should provide details such as relevant dates, times and the names of witnesses to events, alongside copies of any relevant documents. The Complainant should also state what they feel would resolve the complaint.

If Complainants need assistance raising a formal complaint, they can contact the provision by Email: [info@theriverbourneedge.com](mailto:info@theriverbourneedge.com) Or [maxine.fox@theriverbourneedge.com](mailto:maxine.fox@theriverbourneedge.com)

The Head (or another person appointed by the Head for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the Complainant within 10 working days.

If the Complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Head in writing within 10 working days.

Any formal complaints will be notifiable to provisions insurers; notification **must** be completed within 3 days of the complaint being raised.

## **Stage 3: Review Panel**

Complaints will be escalated to the Panel Hearing stage if the Complainant is not satisfied with the response to the complaint at the second, formal stage.

The Panel will be appointed by or on behalf of the Head and Directors and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint; it must include at least one Director. It may also include the HR department associated to the River Bourne Edge.

The Panel will have access to the existing record of the complaint's progress.

The Complainant must have reasonable notice of the date of the Review Panel; however, the Review Panel reserves the right to convene at their convenience rather than that of the Complainant. At the Review Panel meeting, the Complainant and representatives from the provision, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The Complainant must be allowed to attend the Panel hearing and be accompanied if they wish.

At the meeting, everyone will have the opportunity to give statements and present their evidence. Witnesses will be called, as appropriate, to present their evidence.

The panel, the Complainant and the provision representative(s) will be given the chance to ask and reply to questions. Once the Complainant and provision representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The Panel will then put together its findings and recommendations from the case. The Panel will also provide copies of the minutes of the hearing, and the findings and recommendations to the Complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Director/s of The River Bourne Edge.

## **The Outcome**

The panel can:

- Uphold the complaint, in whole or in part.
- Dismiss the complaint, in whole or in part.

If the complaint is upheld, the Committee will:

- Decide the appropriate action to resolve the complaint (recommended actions against staff will be passed to the HR department to continue to review recommendations and agree the appropriate pathway for the employee in accordance with Company Policy and Employment Law).
- Where appropriate, recommend changes to the provisions systems or procedures to prevent similar issues in the future.

The Head/Director will inform those involved of the decision in writing within 10 working days.

## **Roles and Responsibilities:**

### **The Complainant**

The Complainant will receive a more effective and timely response to their complaint if they:

- Follow these procedures.
- Co-operate with the provision throughout the process and respond to deadlines and communication promptly.
- Treat all those involved with respect.
- Not publish details about the complaint on social media.

### **Head**

The River Bourne Edge Head will:

- Ensure all complaints are taken seriously
- Chair the meeting, ensuring that everyone is treated with respect throughout.
- Make sure all parties see the relevant information, understand the purpose of the Committee and are allowed to present their case

### **The Investigator (If necessary)**

An individual will be appointed to investigate the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes.
- Consider records and any written evidence and keep these secure.
- Prepare a comprehensive report to The River Bourne Edge Head/Director, which includes the facts and potential solutions.

### **The Director**

The Director of the provision will:

- Chair the formal review panel
- Ensure all information gathered from the investigation is included in the meeting

## **Referring Complaints on Completion of the Provision's Procedure**

If the Complainant is unsatisfied with the outcome of the provision's complaints procedure they may contact the commissioner of the provision (in line with Government Information Sharing Guidance). They may also notify the Director of the provision if they have not already been involved.

## **Persistent Complaints Unreasonably Persistent Complaints**

Most complaints raised will be valid and; therefore, we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before and it has already been resolved by following the provisions Complaints Procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.
- Knowingly provides false information.
- Insists on pursuing a complaint that is unfounded or out of scope of the Complaints Procedure.
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this Complaints Procedure or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out.
- Changes the basis of the complaint as the investigation goes on.
- Makes a complaint designed to cause disruption, annoyance or excessive demands on the provisions time.
- Seeks unrealistic outcomes or a solution that lacks any serious purpose or value.

## **Steps We Will Take**

We will take every reasonable step to address the Complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an Objective Arbiter throughout the process, including when we meet with individuals. We will follow our Complaints Procedure as normal (as outlined above) wherever possible.

If the Complainant continues to contact the provision in a disruptive way, we may put communications strategies in place. We may:

- Give the Complainant a single point of contact via an email address.
- Limit the number of times the Complainant can make contact, such as a fixed number per term.
- Ask the Complainant to engage a third party to act on their behalf, such as "<https://www.citizensadvice.org.uk/>"
- Put any other strategy in place, as necessary.

## **Stopping Responding**

We may stop responding to the Complainant when all these factors are met:

- We believe we have taken all reasonable steps to help address their concerns.
- We have provided a clear statement of our position and their options.

- The Complainant contacts us repeatedly and we believe their intention is to cause disruption or inconvenience.

When we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the Police and communicate our actions in writing. This may include barring an individual from our site.

### **Duplicate Complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new Complainant that we have already investigated and responded to this issue, and the local process is complete.
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.
- If there are new aspects, we will follow this procedure again.

### **Complaint Campaigns**

Where the provision receives a large volume of complaints about the same topic or subject, especially if these come from Complainants unconnected with the Provision the Provision may respond to these complaints by:

- Publishing a single response on the Provision website.
- Sending a template response to all of the Complainants.

If Complainants are not satisfied with the provisions response, or wish to pursue the complaint further, the normal procedures will apply.

### **Record Keeping**

The Provision will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved and the final outcome. The records will also include copies of letters, emails and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the Review Panel.

This is except where the Secretary of State (or someone acting on their behalf) or the Complainant requests access to records of a complaint through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a Provision inspection.

Records of complaints will be kept securely; only for as long as necessary and in line with data protection law and our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Directorship in case a Review Panel needs to be organised at a later point.

Where the Directorship is aware of the substance of the complaint before the Review Panel stage, the Provision will (where reasonably practicable) arrange for an Independent Panel to hear the complaint.

Complainants also have the right to request an Independent Panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Directorship, who will not unreasonably withhold consent.

Whilst transparency and honesty are essential to this process, requirements under the General Data Protection Regulation will be followed and; therefore, action and information relating to the specific individuals, such as students or staff will not be shared with the Complainant where consent has not been provided by the individual(s) concerned.

### **Monitoring Arrangements**

The Director/s will monitor the effectiveness of the Complaints Procedure in ensuring that complaints are handled properly. The Director/s will track the number and nature of complaints. The Director/s will review all complaints to identify any underlying issues.

The complaints records are logged and managed by the Provision Administrators.

This policy will be reviewed at least once every 2 years.