

# COMPLAINTS POLICY & PROCEDURE

Next Gen  
Support  
Services

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### 1. AIMS

Our student services aims to meet its statutory obligations when responding to complaints from parents of pupils at the student services, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- 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
- Consider how the complaint can feed into student services improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The student services 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 the student services website.

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

### 2. LEGISLATION AND GUIDANCE

It is based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

### 3. DEFINITIONS AND SCOPE

#### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The student services 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"

## 3.2 Scope

The student services intends to resolve complaints informally where possible, at the earliest possible stage.

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

This policy does not cover complaints procedures relating to:

- i. Statutory assessments of special educational needs (SEN)
- ii. Safeguarding matters
- iii. Whistle-blowing
- iv. Staff grievances
- v. Staff discipline
- vi. Please see our separate policies for procedures relating to these types of complaint.
- vii. Complaints about services provided by other providers who may use the student services premises or facilities should be directed to the provider concerned.
- viii. This document sets out the student services' procedure for addressing complaints.

## 4. ROLES AND RESPONSIBILITIES

### 4.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the student services 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

### 4.2 The Investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the CEO or complaints committee which includes the facts and potential solutions

### 4.3 Committee Chair

The committee chair will:

- 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

## 5. 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

### 5.1 Time Scales

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 time frame 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 student services day.

If at any point we cannot meet the time scales 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

## **6. STAGES OF COMPLAINT (EXCLUDING COMPLAINTS AGAINST THE CEO OR GOVERNORS)**

### **6.1 Stage 1 – Informal**

The student services 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 CEO as appropriate, 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 student services office on 07307 191 338, email on [ceo@nextgenstudentservices.co.uk](mailto:ceo@nextgenstudentservices.co.uk).

All of our settings comply with building regulations and are separate to 3rd parties. Where there is any shared access, we have risk assessments to support the safety of all our children, young people, staff, contractors and visitors. We have clear Single Central Record system with safeguarding, fire safety, first aid, accessibility at the core of our services.

The student services will acknowledge informal complaints within 5 working days, and investigate and provide a response within 28 working days.

The informal stage will involve a meeting between the complainant and the Key Stage Leader, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint. **6.2**

### **Stage 2 – Formal**

Formal complaints can be raised by letter or email.

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

If complainants need assistance raising a formal complaint, they can contact the student services office 07307 191 338, email on [ceo@nextgenstudentservices.co.uk](mailto:ceo@nextgenstudentservices.co.uk).

The CEO (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the student services of the identity of their companion in advance.

In certain circumstances, the student services may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the

case, the student services will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The CEO (or other person appointed by the CEO for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 28 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Governing Board within 5 working days.

### How to Escalate a Complaint

Complaints can be escalated by contacting the Governing Board:

- By letter or email at [gb@nextgenstudentservices.co.uk](mailto:gb@nextgenstudentservices.co.uk)

The Governing Body will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 28 working days. If the complainant wishes to proceed to the next stage of the procedure, they should inform the Governing Board in writing within 5 working days. Requests received outside of this time frame will be considered in exceptional circumstances.

The Governing Body will acknowledge receipt of the request within 5 working days.

### 6.3 Stage 3 – Review by the Chair of Governors

#### Notification

- i. If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Governors asking for the complaint to be reviewed by the Chair of Governors, within five working days of receiving the letter confirming the outcome following Stage 2.
- ii. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

#### Acknowledgement

The Complainant's letter will be acknowledged within five working days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

#### Review

- i. The Chair of Governors will be provided with all documentation relating to the complaint within working days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.
- ii. The Chair of Governors will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Chair of Governors will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Chair of Governors does speak to a student or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.
- iii. If the Chair of Governors deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed

appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

#### **6.4 Stage 4 - Submit the Complaint to the Complaint Panel**

- i. If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise a minimum of 3 people, at least 2 of which will be Governors and which will include one person who is independent of the management and running of the student services. Members of the Panel will be appointed on the basis that they have no prior knowledge of the complaint. The request must be in writing, addressed to the Clerk to the Governors at the student services, within 10 working days of the response from stage 2 being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
- ii. The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

*Whilst we do not wish to be prescriptive about who student services should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other student services, people with a legal background and retired members of the police force... Student services will of course have their own views.*

- iii. A letter of acknowledgement will be sent to the complainant within 5 working days. Within 15 working days of receipt of the complainant's letter the Clerk will convene a meeting of the Complaints Panel of the Governing Body together with the complainant and relevant representatives of the student services. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the student services and the members of the Panel. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
- iv. The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The student services will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- v. The Panel will make findings and recommendations and a copy of those findings and recommendations will be - sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about - available for inspection on the student services premises by the Governing Body and the CEO
- vi. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days, and the Clerk to the Governors will notify all concerned.
- vii. If a complainant tries to reopen the same issue, the Chair of Governors may write to the complainant to inform him/her that the procedure has been completed and the matter closed.
- viii. Written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing
- ix. 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 162A of the Education Act 2002 requests access to them.
- x. The decision of the panel is final. If you are still not satisfied, you may wish to put your complaint to LADO.

## 6.5 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:

- i. Has made the same complaint before, and it's already been resolved by following the student services's complaints procedure
- ii. Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- iii. Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- iv. 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
- v. Makes a complaint designed to cause disruption, annoyance or excessive demands on student services time
- vi. Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- vii. 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.
- viii. If the complainant continues to contact the student services 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 [Citizens Advice](#)
  - Put any other strategy in place as necessary
  - Stopping responding
  - We may stop responding to the complainant when all of 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
  - Where 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 student services site.

## 7. COMPLAINTS AGAINST THE CEO, GOVERNORS OR THE GOVERNING BOARD

### 7.1 Stage 1 – Informal

Complaints made against the CEO or any member of the Governing Board should be directed to the Governing Board in the first instance at [sc](#)

If the complaint is about the CEO or one member of the Governing Board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

## **7.2 Stage 2 – Formal**

If the complaint is jointly about the chair and vice-chair, the entire Governing Board or the majority of the Governing Board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Governing Board, and will write a formal response at the end of their investigation.

## **7.3 Stage 3 - Review Panel**

If the complaint is jointly about the chair and vice-chair, the entire Governing Board or the majority of the Governing Board, a committee of independent governors will hear the complaint.

They will be sourced suitably and will carry out the steps at stage 3 (set out in section 6 above).

## 8. REFERRING COMPLAINTS ON COMPLETION OF THE STUDENT SERVICES'S PROCEDURE

If the complainant is unsatisfied with the outcome of the student services' complaints procedure and the complaint is regarding the student services not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to LADO:

- Education
- Pupil welfare and health and safety
- Student services premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

LADO will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the student services deals with serious failings.

## 9. PERSISTENT COMPLAINTS

### 9.1 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's already been resolved by following the student services' 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, refused 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 student services 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 student services 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 Citizens Advice
- Put any other strategy in place as necessary

## Stopping Responding

We may stop responding to the complainant when all of 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

Where 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 student services site.

### 9.2 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 hadn't 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.

### 9.3 Complaint Campaigns

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

- Publishing a single response on the student services website
- Sending a template response to all of the complainants

If complainants are not satisfied with the student services's response, or wish to pursue the complaint further, the normal procedures will apply.

## 10. RECORD KEEPING

The student services 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 and 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 freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a student services 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 Governing Board in case a review panel needs to be organised at a later point.

Where the Governing Board is aware of the substance of the complaint before the review panel stage, the student services 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 Governing Board, who will not unreasonably withhold consent.

## **11. LEARNING LESSONS**

The Governing Body will review any underlying issues raised by complaints with the CEO, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the student services can make to its procedures or practice to help prevent similar events in the future.

## **12. MONITORING ARRANGEMENTS**

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the CEO. This policy will be reviewed by the CEO at least once every 2 years. At each review, the policy will be approved by the Governing Body.

## **13. NEXT STEPS**

If the complainant believes the student services / governing body did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact LADO after they have completed Stage 3.

OFSTED will not normally reinvestigate the substance of complaints or overturn any decisions made by the governing body or one of its students services. They will consider whether the governing body/student services has adhered to 11 education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to OFSTED online at: [Start Page - Ofsted](#)

## **14. LINKS WITH OTHER POLICIES**

Policies dealing with other forms of complaints include:

- Child and adult protection and safeguarding policy and procedures
- Staff grievance procedures
- Staff disciplinary procedures
- SE
- Privacy notices