



RISE COLLEGE

Complaints Policy and Procedures

Agreed by Principal and Deputy Principal

Agreed on behalf of Management Committee by
Chair of Board: Anthony Peltier

Signature:

Date: 5th May 2023



Mission Statement

Rise College holds a deep-seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the young people and adults we serve are given every opportunity to fulfil their potential and succeed in life.

1. Introduction

- 1.1 This Policy and Procedure sets out the framework for how complaints are managed within Rise College. The college reserves the right to alter this process, in exceptional circumstances.
- 1.2 All complaints procedures must meet the requirements in the standard at the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7. As the complaints policy is based upon Part 7 of the Education (Independent School Standards) Regulations 2014, it only applies to complaints from parents/carers of students at Rise College regarding their student. The senior leadership may decide to use this procedure to deal with complaints from individuals who are not parents of a student at the college. Please refer to Section 7 which outlines complaints that would be not captured by this policy. Concerns or complaints must be directed to the college.
- 1.3 Complaints should be made as soon as possible after an incident arises and within 3 months from the date of the original incident, or of the last of a series of incidents (if this applies). Complaints received after 3 months may be considered only in exceptional circumstances.
- 1.4 We value our relationship with parents/carers and our local community and we are happy to receive suggestions and comments which helps us identify areas of success and where we could make improvements. We believe it is important that anyone who raises a complaint is treated seriously and that their complaint is dealt with promptly, courteously and fairly.
- 1.5 We want you as a parent to be able to discuss any concern or complaint informally with staff in the college so that they can be addressed in partnership. This would normally be with teachers in the first instance. If you have difficulty discussing a concern with a particular member of staff, the



- 1.6 Deputy Principal will refer you to another member of staff, so that your concern may be dealt with objectively. This is the first stage of the complaints procedure. At this stage, if you wish, you can pass your complaint to the college in writing.
- 1.7 Complainants should not approach members of the board to raise concerns or complaints. Board members have no power to act on an individual basis and it may also prevent them from considering complaints at later stages of the procedure.
- 1.8 The college will do its best to deal with your complaint and to put things right. We recognise that there may be occasions when parents would like to raise a complaint formally. This is the second stage of our complaints procedure. You should be given clear information about how to proceed with a copy of this procedure.
- 1.9 We will not usually investigate anonymous complaints. However, we may determine exceptionally that the complaint warrants investigation.

2. Definition

- 2.1. For the purpose of this document:
 - a. Rise College is referred to as The college;
 - b. Students refers to all students being educated on site.
 - c. College days are normally those on which the college is open and are days on which the college could reasonably be expected to receive, progress and respond to a complaint. We will consider complaints made outside of term time to have been received on the first college day after the holiday period.

3. Investigating Complaints

- 3.1. The aim is to address concerns, wherever possible without the need for formal procedures and whilst this policy outlines the complaints procedure, it does not in any way undermine efforts to resolve concerns informally. Formal procedures at stage 2 are invoked when initial attempts to resolve a complaint informally have been unsuccessful and the complainant has communicated that they wish to take the matter further.



- 3.2. When investigating a complaint, the aim is to:
 - a. Find out what has happened and who has been involved.
 - b. Clarify the complaint and what the parent wants the college to do.
 - c. Contact the complainant if further information is required.
- 3.3. At every stage of the procedure, the ways in which a complaint can be resolved is at the forefront; and it is understood that it may be sufficient to acknowledge that the complaint is valid in whole or in part and, as a result, it may be appropriate to offer one or more of the following:
 - a. An apology;
 - b. An explanation;
 - c. An admission that the situation could have been handled differently or better;
 - d. An assurance that we will try to ensure the event complained of will not reoccur
 - e. An explanation of the steps that have been, or will be, taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
 - f. An undertaking to review College policies in the light of the complaint.
- 3.4. Following an investigation of events sometimes no clear conclusion may be drawn. We accept that this may be frustrating for all parties concerned.
- 3.5. If following investigation, the complaint is considered to be vexatious the complainant will be informed in writing and no further action will be considered.

4. Complaints Procedure

- 4.1 The complaints procedure follows a three-stage process, which is detailed below. The relevant forms can be found in Appendix A & B:
 - Stage 1 – Informal
 - Stage 2 – Formal
 - Stage 3 – Complaints Committee Meeting

4.2 Stage 1 - Informal Complaint

- a. An informal complaint submitted in person or by telephone should be recorded using Appendix 1.
- b. It is in all parties' interests to resolve a complaint at the earliest possible stage. The aim will be to resolve the complaint and achieve reconciliation between the college and the complainant.
- c. The concern or complaint will be heard by a member of staff within the college.



- d. If a complaint is made to a member of the advisory board, it will be passed to the Principal as board members may need to be involved at a later stage in the process.
- e. Complaints about the Principal will be referred to the Board.
- f. The aim is to resolve all informal complaints within ten college days.
- g. If the complaint remains un-resolved the complainant can make a request for their complaint to be dealt with under the formal stage 2 of the complaints process (see section 4.3). For this to be considered, the complainant must submit their request within 10 college days of receipt of the outcome at the informal stage, preferably using the form at Appendix 2, giving details of the complaint, action already taken to resolve it and proposed further actions to resolve the problem.
- h. A complaint can be escalated straight to stage 2 of the complaints procedure, by the college if it has been initially assessed as needing investigation or is a more serious dissatisfaction with some aspect of the college's policies, procedures, administration or management.

4.3 Stage 2 – Formal Complaint

- a. An unresolved concern or informal complaint under Stage 1, or a complaint which is a more serious dissatisfaction with some aspect of the college's policies, procedures, management or administration will be dealt with under Stage 2.
- b. The complainant must set out their complaint in accordance with section 4.2.g. Formal complaints must be made to the Deputy Principal (unless they are about the Deputy Principal – see section c below), via the college office. This may be done in person, in writing (preferably using the Complaint Form at Appendix B), or by telephone. Failure by the complainant to provide the required information within the time frame specified may result in a delay or the dismissal of the complaint.
- c. Complaints about principal will be referred to board. A complaint about any member of the college will be referred to their line manager or to a colleague at the same level as their line manager.
- d. The Principal or other Responsible Officer (as noted above in 4.3.c) will record the date the complaint is received and will acknowledge receipt in writing (by letter or email) normally within 3 college days. If full information has not been provided by the complainant the acknowledgement will seek to clarify the nature of the complaint, what remains unresolved and what outcome the complainant seeks. If full information has been provided the acknowledgement will indicate the action being taken and the likely timescale for resolution.
- e. The Principal or other Responsible Officer may delegate the investigation to another appropriate senior leader, but not the decision to be taken.
- f. The deputy principal or other Responsible Officer may where appropriate, nominate a suitably skilled member the board to be a co- Investigator.
- g. The person(s) investigating the complaint will, if necessary, interview those involved in the matter and/or those being complained of, allowing them to be accompanied if they wish and keep a written record of any meetings/interviews related to the investigation.
- h. At the conclusion the Deputy Principal or other Responsible Officer will provide a formal written response of the outcome and proposed resolution within 15 college days from the receipt of the complaint. If the complaint is received within 15 days of a college holiday it may take longer to resolve.



- i. If it is not possible to meet this deadline, the complainant will be provided with an update and a revised response date.
- j. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the college will take to resolve the complaint.
- k. The principal or other Responsible Officer will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

4.4 Stage 3 – Complaints Committee Panel

- a. If the complainant remains dissatisfied following Stage 2 and wishes to take the complaint further, they can escalate the complaint to Stage 3, a complaints committee meeting consisting of two senior leaders from the college who have had no prior connection with the complaint, and one independent panel member who may not be a member, Trustee or employee of the college. The independent panel member may, however, be a member of the board (unless they are a Trust employee) as long as they are not a member of the same board as the college. This is the final stage of the complaints procedure.
- b. A request to escalate to Stage 3 must be put in writing within 15 college days of the outcome at Stage 2, addressed to the Board. Requests received outside this time frame will only be considered if the board considers that exceptional circumstances apply.
- c. The written complaint should state clearly the reason for the complaint, explain clearly what steps have been taken to resolve the complaint so far by the college and why this has not been satisfactory and outline the desired outcome from the complaint.
- d. The aim of the complaints committee will always be to resolve the complaint and achieve reconciliation between the college and the complainant.
- e. Prior to the panel meeting, panel members will decide amongst themselves who will act as the Chair of the Complaints Committee.
- f. The complaint will be acknowledged in writing, which could include email, usually within three college days of receipt. The acknowledgement will indicate the next steps in the process.
- g. The panel will decide whether to deal with the complaint by inviting parties to the meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- h. At least 10 college days before the complaints panel meeting the clerk to the Board should write to the complainant to inform them of the date, time and venue of the meeting and to invite the complainant to the meeting should they choose to attend. The notification will also include a request that copies of any further written material to be submitted to the committee is provided at least five college



- i. days before the meeting. The committee will not usually accept, as evidence, recordings of conversations that were obtained covertly.
- j. The complaints panel should usually meet no later than 20 college days after the date of receipt of the complaint under Stage 3 and, if this is not possible, the Clerk will keep the complainant informed.
- k. At this stage the panel will not review any new complaints or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- l. If the complainant rejects the panel meeting date without good reason, the Clerk will decide when to hold the meeting and it will proceed in the complainant's absence with written submissions from both parties.
- m. The complainant may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when this is appropriate. For instance, if a college employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- n. Complaints about staff conduct will not usually be handled under the complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- o. Representatives from the media are not permitted to attend.
- p. The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted.
- q. The panel will consider the complaint and all the evidence presented. The panel may uphold the complaint in whole or in part or dismiss the complaint in whole or in part. If the complaint is upheld in whole or in part, the committee will decide on the appropriate action to be taken to resolve the complaint and where appropriate, recommend changes to college systems or procedures to prevent similar issues in the future.
- r. The Chair of the panel will provide the complainant, the college and the Chair of the board with a full explanation of their decision and the reason(s) for it, in writing, within 10 college days. The decision reached is final.
- s. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.



5. Roles and Responsibilities Complainant

The complainant will receive a more effective response if they behave reasonably within the course of their complaint and:

- explain the complaint in full as early as possible.
- co-operate with the college in seeking a solution to the complaint.
- respond promptly to requests for information, meetings or to agree details
- ask for assistance as needed.
- treat all those involved in the complaint with respect.
- refrain from publicising their complaint on social media and respect confidentiality.

We define unreasonable behaviour as that which hinders our consideration of the complaint. This is outlined in Section 8 along with our approach in response to such behaviour.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish full facts.
 - interviewing staff and children/young people/others relevant to the complaint.
 - consideration of records and other relevant information.
 - analysing information.
 - liaising with the complainant to clarify what they feel would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning.
- keep notes of interviews or arrange for an independent note taker to record minutes.
- ensure that papers produced during the investigation are kept securely pending any appeal.
- be mindful of the timescales to respond.
- prepare a comprehensive report for the principal/Responsible Officer or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.



- The principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

The principal or other responsible officer should:

- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with all stakeholders to ensure the smooth running of the complaints procedure.
- be aware of issues regarding:
 - sharing third party information.
 - additional support to the complainant
 - keep records.

Clerk

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to college complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- set the date, time and venue of the meeting, ensuring that the parent is invited to attend and that the venue and proceedings are accessible.
- collate any written material relevant to the complaint (for example; stage 1 and/or 2 paperwork, college and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- record the proceedings.
- circulate the minutes of the meeting.
- notify all parties of the panel's decision.

Panel Chair

The panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- the meeting is conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy.
- complainants who may not be used to speaking at such a meeting are put at ease.
- the remit of the panel is explained to the complainant.
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.



- both the complainant and the college are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- the issues are addressed.
- key findings of fact are made.
- the panel is open-minded and acts independently.
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- the meeting is minuted.
- they liaise with the Clerk.

Panel members should be aware that:

- the meeting must be independent, impartial and should be seen to be so. No member of the board may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the college and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting - parents/carers often feel emotional when discussing an issue that affects their child.

6. Record Keeping

A copy of the Committee's findings and recommendations will be available for inspection on college premises by the complainant and the Principal or other Responsible Officer. A written record will be kept of all complaints that are made under Stages 2 or 3 and

- whether they were resolved following a formal procedure, or proceeded to a Committee and
- action taken by the college as a result of those complaints (regardless of whether they are upheld) and
- 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.

7. Exempt Complaints

This procedure covers complaints from parents/carers of students at the college. The Chief Executive Officer may decide to use this procedure about any provision of community facilities or services by the college, other than complaints that are dealt with under other statutory procedures, including those listed below:



Exceptions	Further Information
Complaints previously dealt with	This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.
Serial/persistent and unreasonable complaints	This means a complaint which may be substantially different from complaints previously received but is submitted by a complainant who may be considered unreasonably persistent. A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as volume of correspondence, the effect on the Trust's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint. For further information see Section 8 – Managing Serial and Unreasonable Complaints
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from college*	Further information about raising concerns about exclusion can be found at: www.gov.uk/college-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the college's complaints procedure</i>
Staff grievances	Complaints from staff will be dealt with under the college's



	internal grievance procedures.
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at:</p> <p>www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our college should</p>

	complain through the college's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Complaints about services provided by other providers who may use college premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
Staff conduct	<p>Complaints about staff will be dealt with under the college's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>
Complaints about matters outside of the college's control	This means a complaint about the activities of persons or organisations not under the direct control of the Rise College (for example, complaints by one parent against another).



If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the college in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

8. Managing Serial and Unreasonable Complaints*

Rise College is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our college. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the college, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process.
- refuses to accept that certain issues are not within the scope of the complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- introduces trivial or irrelevant information which they expect to be considered and commented on.
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- makes unjustified complaints about staff who are trying to deal with the issues and seeking them replaced.
- changes the basis of the complaint as the investigation proceeds.
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- refuses to accept the findings of the investigation into their complaint where the complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- seeks an unrealistic outcome.
- makes excessive demands on college time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- uses threats to intimidate.
- uses abusive, offensive or discriminatory language or violence.
- knowingly provides falsified information.
- publishes unacceptable information on social media or other public forums.



Complainants should try to limit their communication with the college that relates to their complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the principal will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the college causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

Rise College also reserves the right to conclude an investigation without further involvement from the complainant, or choose not to conclude an investigation, if the complainant's behaviour remains unreasonable.

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 the college or taking legal action.

** This approach will also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.*

9. The Role of Other Bodies

A complaint about the college can be referred by a member of the public to the ESFA.

9.1 The role of the ESFA (Education and Skills Funding Agency) on behalf of the Secretary of State:

If a complaint is referred to the ESFA, the ESFA will check whether the complaint has been dealt with properly by the college. The ESFA will only consider complaints that fall into the following three areas:

- a. Where there is undue delay, or the college did not comply with its own procedure when considering a complaint
- b. Where the college is in breach of its funding agreement with the Secretary of State
- c. Where the college has failed to comply with any other legal obligation.

It is unlikely that the ESFA will overturn a college's decision about a complaint. However, the ESFA will request that the complaint is looked at again from the appropriate stage, if there has been a breach in its own complaints procedure. If the procedure does not meet the regulation the college will be required to rectify any aspects that do not meet the regulations.

Complaints can be referred to the ESFA via their online form:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#making-a-complaint>



9.2 The role of the (DfE) Department for Education

You may complain to the DfE if you have remain dissatisfied and have followed the Rise College Complaints Policy and Procedures and followed all of the 'Make a Complaint' steps on the DfE website <https://www.gov.uk/complain-about-college/state-colleges>.

You may do this via the online via college complaints form <https://www.education.gov.uk/form/college-complaints-form> or at the postal address below:

Department for Education

Piccadilly Gate

Store Street

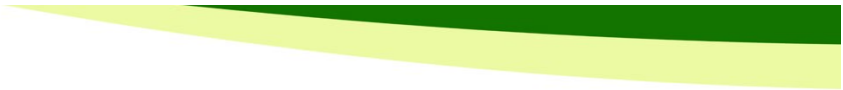
Manchester M1 2WD

9.3 The role of Ofsted

You can complain to Ofsted if you think a college is not run properly.

<https://contact.ofsted.gov.uk/online-complaints>

You must have already followed the college's Complaints Policy and Procedures.



Appendix 1 Record of Concern or Informal Complaint

Rise College:

Complainant name:	In person or by phone?	Address:
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Contact Numbers & Email:	Date & Time:
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Complaint

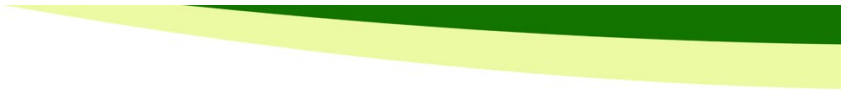
Details of the complaint:

Complaint Recorded by:	Whom the complainant wishes to speak to:
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Acknowledge that the person will be contacted, and by when

Office Use:

Who complaint has been passed on to: Date and time:



Appendix 2 - Formal Complaint Form

Rise College

Surname:	First Name:	Address:
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Contact Numbers & Email:	If applicable – name of student and relationship to the student:
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Complaint – to be completed by the complainant

Details of the complaint:



Action already taken to resolve the complaint:

What actions do you feel will resolve the problem at this stage?

Details of additional information or evidence attached:



Signature (Form sent by email is classified as the signature):	Date:
An acknowledgement of the complaint will be sent within 3 working days	
Office Use: Date acknowledgement sent: By whom: Complaint referred to: Date:	