

## Complaints Policy

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<b>Related Documents:</b>	<ul style="list-style-type: none"> <li>• Education (Independent School Standards) Regulations 2014 – Part 7</li> <li>• DfE Best Practice Guidance: School Complaints Procedures (2019)</li> <li>• Education and Skills Act 2008 (UK)</li> </ul>

### Key Contacts

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# 1. Purpose

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

## 1.1 Legislation and guidance

This document meets the requirements set out in Part 7 of the *Schedule to the Education (Independent School Standards) Regulations 2014*, which requires independent schools to have and make available a written procedure for handling complaints from parents and carers. It also reflects *Department for Education (DfE) Best Practice Guidance: School Complaints Procedures (2019)*.

In addition, RBAir will record any action taken as a result of complaints, whether or not they are upheld, and will ensure that all correspondence, statements, and records relating to individual complaints are kept confidential, except where access is requested by the Secretary of State or by a body conducting an inspection under sections 108 or 109 of the *Education and Skills Act 2008*.

# 2. Scope

RBAir follows the complaints procedures issued to the governing bodies of schools since 1 September 2003. This policy is written to ensure that parents/carers of learners at RBAir, or other persons who wish to raise a concern regarding provision or practice, understand how to do that.

There is a RBET Whistleblowing Policy that staff should read and refer to should they wish to raise concern(s) regarding the practice of (an) other member(s) of staff.

*The Chair of RBET Trustees is responsible for monitoring the way in which complaints are responded to.*

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

- are made here in writing;

- are available to parent(s)/carer(s) of learners on the RBAir website or, on request, in writing;
- set out clear time scales for the management of a complaint;
- allow for a complaint to be made and considered initially on an informal basis.

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

*NB Wherever the term 'parent' is used in the policy, that means any person with parental responsibility for the learner.*

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

RBAir seeks to:

- encourage resolution of problems by informal means wherever possible;
- make procedures easily accessible;
- be impartial;
- be non-adversarial;
- allow swift handling with established time limits for action, keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to RBAir's senior leadership team so that services may be improved if appropriate.

In investigating complaints RBAir will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant and re-contact them should clarification or further information be required;
- clarify what the complainant feels would put things right;

- interview those involved in the matter (including those complained of), allowing them to be accompanied if they wish;
- conduct all interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews.

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

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

## **4. Procedures**

### **4.1 Aims and objectives**

RBAir seeks to be fair, open and honest when dealing with any complaint. Careful consideration is given to all complaints, and we aim to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and, in all cases, we put the interests of the learner above all other issues. Further we aim to provide sufficient opportunity for any complaint to be fully discussed and subsequently resolved.

### **4.2 The complaints process**

The process has three distinct sections:

- Informal (Stage 1);
- Formal (Stage 2);
- Panel hearing (Stage 3).

### **Stage 1: Informal**

If, for example, a parent is concerned about anything to do with the education that we are providing at RBAir they should, in the first instance, where appropriate, first raise the matter directly with the member of staff concerned, either by telephone or through an arranged meeting. This approach is encouraged wherever possible, as many concerns can be quickly

and effectively resolved at this level. If the concern cannot be resolved in this way, or if it is not appropriate to raise the matter with the member of staff concerned, the parent should discuss the matter with the Head of Centre (or with a member of staff nominated by the Head of Centre). Most matters of concern can be dealt with in this way.

Concerns relating to safeguarding, allegations against staff, or matters of serious misconduct should be raised directly with the Head of Centre in the first instance and will not normally be dealt with at the informal staff level.

All staff work very hard to ensure that each learner is well provided for at RBAir, is happy at RBAir and is making good progress. They always want to know if there is a problem so that they can act before the problem seriously affects any learner's progress. All RBAir staff involved will listen carefully to any concern expressed, treat the complainant respectfully and make every attempt to ensure that concerns are allayed and/or the matter resolved.

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

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

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

## **Stage 2: Formal**

If the matter is not resolved through informal discussion or if the complainant believes that the concern is of such a serious nature that informal resolution is inappropriate, the complainant may request that the process move to a formal investigation.

In any situation where a parent or other complainant feels that the complaint they have made has not been sufficiently well dealt with, they should put their concerns into a written form (email is acceptable). The written complaint should be sent to the Head of Centre unless the Head of Centre has already been substantively involved in the informal stage, in which case the complaint should be sent to the Chair of RBET Trustees.

Where a complaint concerns the Head of Centre, or where the Head of Centre has been directly involved in the informal consideration of the complaint, the Chair of RBET Trustees (or a trustee nominated by the Chair) will oversee the formal investigation.

Appendix A provides a template for Stage 2 complaints, although other written forms of complaint are also acceptable.

The Head of Centre or Chair of RBET Trustees, as appropriate, must then acknowledge receipt of the complaint within five working days of receipt. The Head of Centre (or Chair of RBET Trustees) will supply the complainant with details of the complaints procedure and will then carry out an investigation regarding the complaint. This may involve interviewing staff or learners, examining internet records, checking learners' work, or any other activity pertinent to the complaint.

The Head of Centre or Chair of RBET Trustees must complete this process within thirty working days of receipt of the formal complaint - unless the nature of the complaint requires investigations of exceptional length and detail. In such cases, the complainant will be kept informed of progress and provided with an updated timescale. They must make coherent records of their investigation and share these with the complainant at the conclusion of the investigation.

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

Where a complaint is not upheld, the complainant will be informed of the reasons for this decision in writing.

### **Stage 3: Panel Hearing**

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

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

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

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

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

The panel will consist of a minimum of three people who were not directly involved in the issues covered by the complaint. One of those panel members should be independent of the management and the running of RBAir. DfE advice is that persons suitable for this role are those, 'who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments - examples of persons likely to be suitable are serving or retired business people, civil servants, headteachers or senior members of staff at other schools, people with a legal background and retired members of the police force'.

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

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

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

- complaints which are obsessive, harassing or repetitive;
- insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;



- insistence on pursuing what may be meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress which lack any serious purpose or value.

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

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

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

## 6. Monitoring and review

The Chair of RBET Trustees monitors the complaints procedure to ensure that all complaints are handled properly. The Head of Centre ensures that all complaints received by RBAir are logged and that records are kept detailing how they were resolved. The Chair of RBET Trustees examines this log annually.

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

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

RBET Trustees will consider any local or national decisions that affect the complaints process and will ensure any necessary modifications are made to this policy.

The number of formal complaints registered under the formal procedure during the preceding year will be displayed on RBAir's website ([www.rbair.org.uk](http://www.rbair.org.uk)).

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

Please complete and return to the Head of Centre or, where the Head of Centre has already been substantively involved at Stage 1, to the Chair of RBET Trustees, who will acknowledge receipt and explain what action will be taken.

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

Making a Stage 2 complaint	
Your name:	
Learner's name:	
Your relationship to the learner:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Email address:	
Please give details of your complaint.	
What action, if any, have you already taken to try and resolve your complaint informally?  (e.g. who did you speak to and what was the response?)	
If you have not attempted informal	

resolution, please explain why this was not appropriate in this case.	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
<b>Official use</b>	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	
<b>Outcome:</b>	<input type="checkbox"/> Upheld <input type="checkbox"/> Partially upheld <input type="checkbox"/> Not upheld <input type="checkbox"/> Dismissed
Date outcome communicated to complainant:	

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

Please complete and return to the Chair of RBET Trustees, who will acknowledge receipt and explain what action will be taken.

This represents the final stage of the internal complaints procedure.

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

Making a Stage 3 complaint	
Your name:	
Learner's name:	
Your relationship to the learner:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Email address:	
Which of the following best describes your reason for requesting that the Chair of RBET Trustees investigate your complaint?	<ul style="list-style-type: none"><li>• <i>You think we have failed to properly investigate the complaint you made.</i></li><li>• <i>You think that the complaint was properly investigated, that the conclusions reached were correct but that we have not taken sufficient action to remedy the situation</i></li><li>• <i>You think that the conclusions that were reached in response to your written complaint were incorrect.</i></li></ul>
<b>Please give details of your complaint.</b>	
Please explain how you believe the complaint has not	

<p>been handled appropriately at Stage 2.</p> <p><i>Please note: No new complaints or issues may be introduced at this stage unless they relate directly to the handling of the original complaint.</i></p>	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
<b>Official use</b>	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	
<b>Panel decision:</b>  <input type="checkbox"/> Upheld <input type="checkbox"/> Partially upheld	

	<input type="checkbox"/> Not upheld <input type="checkbox"/> Dismissed
Date outcome communicated to complainant:	

## Appendix C: Local Authorities Complaints Contact Details

Local Authority	Complaints / Feedback contact details (Children's Services)
<b>Bedford Borough Council</b>	<p><b>How to complain:</b> <a href="#">Give feedback or make a complaint online   Bedford Borough Council</a></p> <p><b>Safeguarding/referrals (IFD):</b> 01234 718700 (office hours) / 0300 300 8123 (out-of-hours).</p>
<b>Cambridgeshire County Council</b>	<p><b>Children's complaints email:</b> <a href="mailto:ChildrensComplaintsAndFeedbackTeam@cambridgeshire.gov.uk">ChildrensComplaintsAndFeedbackTeam@cambridgeshire.gov.uk</a></p> <p><b>Main phone (general contact):</b> 0345 045 5200</p> <p><b>How to complain:</b> Feedback/complaints online form and Children's Social Care complaints procedure (see council complaints pages). <a href="#">Council complaints procedures   Cambridgeshire County Council</a></p>
<b>Central Bedfordshire Council</b>	<p><b>Complaints email:</b> <a href="mailto:customer.relations@centralbedfordshire.gov.uk">customer.relations@centralbedfordshire.gov.uk</a></p> <p><b>Phone:</b> 0300 300 4995</p> <p><b>How to complain:</b> Online customer feedback /complaints form. <a href="#">Customer feedback   Central Bedfordshire Council</a></p>
<b>Essex County Council</b>	<p><b>AP reporting / QA (Non-school AP):</b> Essex Schools Infolink (<a href="#">Quality Assurance team for non-school AP</a>)</p> <p><b>How to make a complaint:</b> <a href="#">Complaints and compliments   Essex County Council</a></p> <p><b>Complaints Form:</b> <a href="#">Complaints and compliments - Contact type - Essex County Council</a></p>
<b>Hertfordshire County Council</b>	<p><b>Online complaints form:</b> <a href="#">Make a complaint</a></p> <p>Email: <a href="mailto:cs.complaints@hertfordshire.gov.uk">cs.complaints@hertfordshire.gov.uk</a></p> <p>Phone: 01992 588542</p> <p><b>Alternative Provision / AP concerns:</b></p> <p>Reintegrations / ESCs / AP: <a href="mailto:reintegration.team@hertfordshire.gov.uk">reintegration.team@hertfordshire.gov.uk</a></p> <p>SEND / Inclusion queries: <a href="mailto:sendstrategy@hertfordshire.gov.uk">sendstrategy@hertfordshire.gov.uk</a></p>
<b>Peterborough City Council</b>	<p><b>Children's Social Care complaints email:</b> <a href="mailto:complain@peterborough.gov.uk">complain@peterborough.gov.uk</a></p> <p><b>Phone (Complaints):</b> <a href="tel:01733 747474">01733 747474</a></p> <p><b>How to complain:</b> <a href="#">Complaints and feedback   Peterborough City Council</a></p>



<b>Suffolk County Council</b>	<p><b>Complaints / customer rights email:</b>  <a href="mailto:customerrights@suffolk.gov.uk">customerrights@suffolk.gov.uk</a></p> <p><b>Phone:</b> 0345 266 1821</p> <p><b>How to complain:</b> Compliments &amp; complaints page and CYP Complaints &amp; Customer Feedback Policy (PDF). <a href="#">Compliments and complaints - Suffolk County Council</a></p>
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