

Birmingham Independent College

COMPLAINTS POLICY AND PROCEDURE

Created: 01/09/2015
Revised: 01/09/2017
Review: 31/08/2019

Contents

1.	Availability of the Complaints Policy and Procedure.....	3
2.	Complaints Policy and Procedure.....	3
3.	Complaints Procedure.....	4
4.	Stage One - Informal Resolution.....	4
5.	Stage Two - Formal Resolution.....	5
6.	Stage Three – Panel Hearing.....	6
7.	Annex A – Complaint Form.....	9
8.	Annex B – Complaint Flowchart.....	12

1. Availability of the Complaints Policy and Procedure

1.1 This policy and procedure is available on request to pupils, the parents of pupils and prospective pupils of the Birmingham Independent College (BIC). While pupils may, themselves, raise concerns and complaints under this policy and procedure, BIC will involve parents should this occur. Copies are available from;

Vivienne Lambert-Blackwood
Birmingham Independent College
Albert Hall
Witton Road
Aston
Birmingham
B6 5NU

Email: info@biccollege.org Tel: 0121 507 0904

1.2 A copy of our complaints procedure is also available from the BIC's main office located at Reception.

2. Complaints Policy and Procedure

2.1 This policy and procedure is for the benefit of pupils, and parents of pupils, at BIC. This policy and procedure will be relied upon in respect of **all complaints** by parents and pupils made against BIC except in respect of;

- (a) child protection allegations where a separate policy and procedure applies
- (b) exclusions where a separate policy and procedure applies
- (c) appeals relating to internal assessment decisions for external qualifications where a separate appeals procedure applies.

2.2 BIC expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis.

2.3 If informal procedures fail to resolve the issue, a formal complaint about any matter not involving child protection allegations, internal assessment decisions or a decision to exclude a pupil, must be given verbally or in writing to the Head of College and will be dealt with under this Complaints Policy and Procedure.

2.4 Every complaint shall receive fair and proper consideration and a timely

response.

2.5 We will do all we can to resolve your concern and to ensure you are happy with the education that your child receives at BIC.

2.6 Parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

2.7 Correspondence, statements and records will remain confidential except in so far as is required by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

3. Complaints Procedure

3.1 Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and 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 BIC's senior management team so that services can be improved.

3.2 BIC will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

4. Stage One - Informal Resolution

4.1 It is hoped that most complaints and concerns will be resolved quickly and informally.

4.2 If parents have a complaint they should normally contact their child's Tutor. In

many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Tutor cannot resolve the matter alone, it may be necessary for him/her to consult the Head of College.

4.3 Complaints made directly to the Head of College will usually be referred to the relevant Tutor unless they deem it appropriate for him/her to deal with the matter personally.

4.4 The Tutor will make a written record of all concerns and complaints and the date on which they were received. (See Annex A) These records will be kept for one (1) year after the pupil leaves BIC.

4.5 BIC will use its reasonable endeavours to resolve any informal complaints **within ten (10) working days** of them being raised, except where they are raised in holiday times or **within two (2) working days** of their commencement where BIC will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (**usually within ten (10) working days**).

4.6 Should the matter not be resolved as referred to in paragraph 5 above, or in the event that the Tutor and the parents fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

5. Stage Two - Formal Resolution

5.1 If the complaint cannot be resolved on an informal basis (as set out in paragraphs 4.5 and 4.6 above), then parents should put their complaint in writing to BIC's Head of College. Parents should also identify how they wish their complaint to be resolved.

5.2 The Head of College will delegate responsibility for undertaking investigation of the complaint to a member of the SLT unless he/she deems it appropriate to deal with the matter personally.

5.3 The Head of College will decide, after considering the complaint, the appropriate course of action to take.

5.4 In most cases, the Head of College will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.

5.5 The Head of College will use reasonable endeavours to speak to or meet parents **within ten (10) working days** of the formal complaint being received, except where

the complaint is received in holiday time or **within two (2) working days** of their commencement where the Head of College will use his/her reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (**usually within ten (10) working days**).

5.6 It may be necessary for a member of the SLT to carry out further investigations.

5.7 The Head of College will keep a written record of all meetings and interviews held in relation to the complaint.

5.8 Once the Head of College is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The written decision should be provided no later than **ten (10) working days** after speaking or meeting with parents to discuss the matter (pursuant to paragraph 5.5 above). The Head of College may also arrange to meet with parents to explain the decision.

5.9 BIC will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and BIC's decision, which record will be kept for one (1) year after the pupil leaves BIC. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal.

5.10 Where parents are dissatisfied with the outcome of BIC's response to their formal complaint, the parents have the opportunity to have their complaint considered by an independent Complaints Panel.

6. Stage Three – Panel Hearing

6.1 If parents seek to invoke Stage Three following failure to reach an earlier resolution and where dissatisfied with the Head of College's decision in respect of their formal complaint, the parents may, in writing addressed to BIC, request that their complaint be further considered by an independent Complaints Panel set up for this purpose. The panel will consist of persons with no association to BIC:

6.2 This request for further assessment of the complaint will, for the purpose of this procedure, be known as an 'appeal'.

6.3 Parents must lodge their appeal in writing and **within ten (10) working days** of the date of BIC's decision made in accordance with the Stage Two Procedure. The parents should provide a list of their complaint(s) made against BIC and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.

6.4 The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

6.5 Where an appeal is received by BIC, BIC will, **within five (5) working days**, refer the matter to the Clerk to the Independent Body who will act as Clerk to the Complaints Panel. Where the appeal is received by BIC during the holidays, or **within two (2) working days** of their commencement, BIC has **five (5) working days** upon commencement of the Studio College term to refer the matter to the Clerk.

6.6 The Clerk provides an independent source of advice on procedure for all parties.

6.7 Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five (5) working days, and inform the parents of the steps involved in this Complaints Procedure.

6.8 The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally **no later than twenty (20) school days** after receipt by BIC of parents' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.

6.9 The independent Complaints Panel will consist 3 members who are not associated with BIC and have not previously been involved in the complaint, and one person independent of the management and running of the school. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).

6.10 The following are entitled to attend a hearing, submit written representations and address the Panel:

- (a) The parent/s (or, if aged over 18, the pupil) and/or one representative;
- (b) The Head of College of BIC and/or one representative; and
- (c) Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.

6.11 Legal representation will not normally be appropriate.

6.12 Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written

evidence to the Panel in support of their position, including:

- (a) documents in support of complaint(s),
- (b) chronology and key dates relating to complaint(s), and
- (c) written submission setting out the complaint(s) in more detail.

6.13 This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents.

6.14 Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk **no later than ten (10) working days** in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than **five (5) working days** in advance of the Panel hearing.

6.15 It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

6.16 After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete **within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final.**

6.17 Any decision reached that may have financial implications for BIC will need the appropriate approval from the relevant authorities e.g. the Proprietary Body, although any such approval must be compatible with the decision of the Complaints Panel.

6.18 The Panel's findings will be sent by the Clerk in writing to the parents and the Proprietary Body, where relevant, the person complained of.

6.19 The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.

6.20 BIC will keep a record of all appeals, decisions and recommendations of the Complaints Panel, which record will be kept for one (1) year after the pupil leaves BIC.

**Annex A
Birmingham Independent College Complaint Form**

**Please complete and return to (name of staff member)
who will acknowledge receipt and explain what action will be taken.**

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: