

## COMPLAINTS POLICY AND PROCEDURES - JUNE 2022

Policy of	<b>North Hampshire Education Alliance, Basingstoke</b>
Policy applicable to	<b>Queen Mary's College, Basingstoke QM Leisure Ltd.</b>
Policy owned by	<b>Mark Henderson – CEO</b>
Point of contact	See below

Review and approval process:	recommended: 8 <sup>th</sup> June 2022 – QMC Senior Leadership Team Approved: 22 <sup>nd</sup> June 2022 – QMC Local Governing Body
Cycle of review	<ul style="list-style-type: none"> <li>every three years or with any changes to Government guidance</li> <li><b>Next scheduled review June 2025</b></li> </ul>
Source documents	<ul style="list-style-type: none"> <li>ESFA Model Complaints Procedure</li> <li>Part 7 of the Education (Independent Schools Standards) Regulations 2014</li> </ul>
Related documents	<ul style="list-style-type: none"> <li>Safeguarding, Prevent and Child Protection Policy.</li> <li>NHEA Confidential Reporting (Whistleblowing) Policy</li> <li>QMC Behaviour Policy</li> <li>QMC Bullying and Harassment Policy</li> <li>NHEA HR policies</li> </ul>

This Policy is available in different font sizes, formats, languages or on different coloured paper, or someone can go through it with you – please ask in Resources or ask your tutor.

<p><b>Principal: Mr Mark Henderson</b> Queen Mary's College, Cliddesden Road, Basingstoke, Hampshire, RG21 3HF <a href="mailto:info@qmc.ac.uk">info@qmc.ac.uk</a></p>	<p><b>Local Governing Body/ Board of Trustees c/o Dr Toni Baldwin (Academy Secretary)</b> Queen Mary's College / NHEA, Cliddesden Road, Basingstoke, Hampshire, RG21 3HF <a href="mailto:toni.baldwin@qmc.ac.uk">toni.baldwin@qmc.ac.uk</a></p>
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## 1. Introduction

### If something does not seem right...

Remember that your voice counts and we want to hear from you if you have any concerns or complaints, or if you want to suggest ways in which we may improve the service we provide. Queen Mary's College and the North Hampshire Education Alliance take concerns seriously and it is in everyone's interest that concerns and complaints are resolved at the earliest possible stage and to the satisfaction of all parties. Many issues can be resolved informally, however, we understand that there are occasions when people would like to raise their concerns formally.

- **A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.**
- **A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.**

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, your Tutor or Assistant Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, your Tutor or Assistant Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

This complaints procedure is not limited to parents or carers of young people who are registered at Queen Mary's College. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate procedures, see section 3.1, we will use this complaints procedure.

## 2. How to raise a concern or a complaint

**I am: A student at QMC.....  
parent or career of young person registered at  
QMC.....**

**See Section 2.1**  
Stage 1: Informal concerns  
Stage 2: Formal complaints  
Stage 3: Panel Meeting

**I am: A member of the local community.....  
or am using QM Leisure facilities.....**

**See Section 2.2**

**I am: A member of staff, temporary staff or  
contractor.....**

Use the College's internal  
grievance procedures or  
Whistleblowing policy

**I want to complain about:**

**The Principal, the CEO, a Governor/ Governing  
Body or a Trustee/ Trust Board .....**

**See Appendix 1**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

**2.1 If you are a student at QMC or a parent or carer of a student registered at the College:** In the first instance you should try to sort out any concerns by talking to your subject teacher(s) or Personal Tutor. If matters remain unresolved, the next step is to discuss your concern with a more senior member of staff (Director of Learning or Assistant Principal) (Stage 1- informal concern: see section 4 below). If, after this, you still feel dissatisfied, you have the right to take things further by sending a formal letter of complaint to the Principal (Stage 2 - formal complaint: see section 5 below). The PA to the Principal will administer all formal complaints and hold records of both formal and informal complaints, with the exception of those relating to the Principal, CEO, Governors or Trustees.

**2.2 If you are a member of the local community:** If you are unhappy about any service provided by the College, please phone or write in the first instance to the Principal. Your communication will be acknowledged within five working days. You will be told who is to investigate the complaint and how long this investigation is likely to take. By the date specified, you will receive either a full written response or an invitation to discuss the matter.

### **3. Information about the Complaints Procedure**

#### **3.1 Scope of this procedure:**

These procedures will cover the majority of complaints, however, certain situations will be dealt with under other procedures, for example:

- Matters that are likely to require a **Child Protection Investigation** are handled under the College's Safeguarding, Prevent and Child Protection Policy.
- Complaints about **student behaviour** will be considered under the behaviour management policy (College Expectations) – the complainant will be notified that the matter is being addressed but will not be informed of the outcome or any disciplinary action taken.
- Complaints relating to **public examinations** will be considered under the Examinations Complaints Procedures
- Complaints about **staff conduct** will be considered under staff disciplinary procedures - the complainant will be notified that the matter is being addressed but will not be informed of the outcome or any disciplinary action taken.
- The Trust has a **Confidential Reporting (Whistleblowing) Policy** for concerns raised by employees including temporary staff and contractors.

### 3.2 What to consider when submitting a complaint:

- **Anonymous complaints** will be considered but are not normally investigated unless the Principal or Chair of Governors decides that the complaint warrants an investigation.
- **Time scales:** complaints should be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Outside this time frame complaints will only be investigated if exceptional circumstances apply.
- **Complaints made outside of term time** will be considered to have been received on the first working day after the holiday period, although they may be resolved earlier if possible.
- **Complaints can be withdrawn by the complainant** at any point in the process (this will need to be confirmed in writing)

### 3.3 Further Information:

- QMC is a 16-19 Academy so concerns about **admissions and exclusions** are covered by separate College Polices and not the Local Authority process.
- If a complaint is being investigated by, for example, a safeguarding team or the police, the college procedure may be put on hold pending this investigation, however, you will be kept informed.
- If legal action is being taken against the college and relating to the complaint, the college procedure may be put on hold pending this action.

### 3.4 Possible outcomes of your complaint:

At each stage in the procedure, QMC wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the issue will not recur
- 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
- an undertaking to review policies and/or procedures in light of the complaint
- an apology.

## 4. Stage 1 - Informal concerns

It is to be hoped that most concerns can be expressed and resolved on an informal basis. Concerns should be raised with your subject teacher(s) or Personal Tutor. If matters remain unresolved, the next step is to discuss your concern with a more senior member of staff (Director of Learning or Assistant Principal).

At the conclusion of their investigation, the appropriate person investigating the complaint will provide a response within ten working days of the date of receipt of the complaint. This response will usually be in writing but may also be a discussion/meeting/phone call.

If the issue remains unresolved, the next step is to make a formal complaint.

## 5. Stage 2 - Formal complaints

Formal complaints must be made to the Principal (unless they are about the Principal, CEO, a Local Governor or a Trustee – see Appendix 1). This may be done in person or in writing (contact details above). The PA to the Principal will administer all formal complaints and hold all records.

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days. Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

An investigation will be carried out either by the Principal or, more usually, delegated to another member of the senior team. The Principal will not delegate any decision regarding the complaint.

During the investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within 15 working days of the date of receipt of the complaint. If this deadline cannot be met, the Principal will provide the complainant with an update and revised response date.

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 that QMC will take to resolve the complaint (a list of possible outcomes is given in section 3.4 above).

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of their Stage 2 - formal complaint.

### **6.1 Stage 3 - Panel Hearing**

If the complainant is dissatisfied with the outcome of their formal complaint (Stage 2) and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of three (or more) people who were not directly involved in the matters detailed in the complaint. The panel will usually consist of three Local Governors but if for any reason this is not possible, one or more of the panel members must be independent of the management and running of the College (usually a Local Governor). **This is the final stage of the complaints procedure.**

A request to escalate to a panel hearing (Stage 3) must be made to the Academy Secretary (contact details above), within 10 working days of receipt of the Stage 2 response.

The Academy Secretary will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Academy Secretary will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 working days of receipt of the request. If this is not possible, the Academy Secretary will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Academy Secretary will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

## 6.2 Notes relating to Panel Meetings:

- Complainants may be accompanied to panel meetings by a relative or friend to provide support. Legal representation is not generally encouraged, however, there may be occasions where union or legal representation is appropriate.
- Representatives from the media are not permitted to attend.

At least 10 working days before the meeting, the Academy Secretary will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the Academy Secretary at least 7 working days before the meeting.
- Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the College's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and QMC with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by QMC.

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 QMC will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent to the complainant and, where relevant, the person complained about. Findings and recommendations will also be made available to the Trust and the Principal.

## **7. Records of Complaints and Concerns**

The PA to the Principal will administer all formal complaints and hold records of both formal complaints and informal concerns, with the exception of those relating to the Principal, CEO, Governors or Trustees records of which will be held by the Academy Secretary. Records will include whether complaints were resolved at stage 2 or proceeded to a panel hearing, along with what actions have been taken, regardless of the decision. General queries will not be recorded.

All 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.

## **8. Next Steps – Appeal to Education and Skills Funding Agency (ESFA)**

If the complainant believes the Academy or Trust 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 the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Queen Mary's College or the North Hampshire Education Alliance. They will consider whether the Academy or Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

**Complaints to Ofsted:** It is not possible to complain to Ofsted about a concern that you have with QMC. QMC is a 16-19 Academy and Ofsted does not consider complaints about places that provide education only for people over the age of 16.

## **Appendix 1: Complaints relating to the Principal, CEO, Governors or Trustees are administered by the Academy Secretary.**

Complaints relating to the Principal, CEO, Governor(s) or Trustee(s) will follow the same process as above – Stage 1: Informal concerns, Stage 2: Formal complaints, Stage 3: Panel Meeting

- Complaints that involve or are about **the Principal** should be addressed to Dr Janice de Sousa (the Chair of Governors), via Dr Toni Baldwin (the Academy Secretary) contact details above.
- Complaints about the **Chair of Governors, any individual governor or the whole governing body** should be addressed to Dr Toni Baldwin (the Academy Secretary) contact details above.
- Complaints about the **Chief Executive Officer (CEO) or a trustee of the Trust**, should be addressed to Ms Julie McLatch, Chair of Trustees, via Dr Toni Baldwin (the Academy Secretary) contact details above.
- Complaints about the **Academy Secretary** should be addressed to Ms Julie McLatch, Chair of Trustees, via the Principal/CEO or another member of the Senior Leadership Team, for example the Director of Human Resources, contact details above.

**NOTE: as at June 2022 Mr Mark Henderson is both the Principal of QMC and CEO of the NHEA Trust. Depending on the area of complaint, any complaints regarding Mark Henderson will be processed by either the Chair of Governors, Dr Janice de Sousa or the Chair of Trustees Ms Julie McLatch.**

If the complaint is about the Principal, or a member of the local governing body (including the Chair or Vice-Chair), a suitably skilled local governor will be appointed to complete the Stage 2 - formal complaint investigation. Complaints about the Principal or a member of the governing body must be made to the Academy Secretary (contact details above).

If the complaint is jointly about the Chair and Vice Chair; or the entire governing body; or the majority of the governing body Stage 2 will be escalated to the CEO of the Trust.

If a complaint is escalated to the North Hampshire Education Alliance “the trust” or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the Chair of the Trust Board to be investigated (usually via the Academy Secretary).

The Chair will write to the complainant acknowledging the complaint within 5 working days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy (details above) and will confirm the date for providing a response to the complainant.

Following the investigation, the Chair will write to the complainant confirming the outcome within 15 working days of the date that the letter was received. If this time limit cannot be met, the Chair will write to the Complainant within 15 working days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO (see note above) or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation as a stage 2- formal complaint (process as in section 6 above).



If the complainant is not satisfied with the outcome of the previous stage (stage 2 – formal complaint), the complainant should write to the Academy Secretary asking for the complaint to be heard before a Panel, within 10 working days of receipt of the stage 2 response. The Academy Secretary will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Academy Secretary will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 working days of receipt of the request. If this is not possible, the Academy Secretary will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Academy Secretary will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is jointly about the Chair and Vice Chair of the governing body; or the entire governing body; or the majority of the governing body the stage 3 panel hearing will be heard by the trustees with an independent panel member (for example, a Principal or Trustee from another institution). If the complaint is jointly about the Chair and Vice Chair of the trust board; or the entire trust board; or the majority of the trust board a panel hearing (Stage 3) will be heard by a completely independent panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

#### **Notes relating to Trust level Panel Meetings:**

- Complainants may be accompanied to panel meetings by a relative or friend to provide support. Legal representation is not generally encouraged, however, there may be occasions where union or legal representation is appropriate.
- Representatives from the media are not permitted to attend.

At least 10 working days before the meeting, the Academy Secretary will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the Academy Secretary at least 7 working days before the meeting.
- Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

- The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the College/ Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the trust (NHEA).

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 trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent to the complainant and, where relevant, the person complained about. Findings and recommendations will also be made available to the Trust and the CEO. Records will be kept and confidentiality observed as outlined in Section 7 above.