



BRIDGE THE GAP MALVERN

Complaints Procedure

Date of review Reviewed By Date of next review	October 2021 Director - K Barclay October 2022
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Bridge the Gap Malvern (BTGM) aims to meet its statutory obligations when responding to complaints from parents of students at the centre, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into centre improvement evaluation processes

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

The centre will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the centre website.

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

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 states that we must have and make available a written procedure to deal with complaints from parents of students at the centre.

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

This document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

Definitions and scope

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

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

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

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

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaints.

Arrangements for handling complaints from parents of students with special educational needs (SEND) about the centre’s support are within the scope of this policy. Such complaints should first be made to the Director of BTGM, they will then be referred to this complaints policy. Our (SEND policy and information report) includes information about the rights of parents of students with disabilities who believe that our centre has discriminated against their young person.

Complaints about services provided by other providers who use centre premises or facilities should be directed to the provider concerned.

Roles and responsibilities

The complainant

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

- Follow these procedures
- Cooperate with the centre throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

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

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

Clerk to the Director of BTGM

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the most recent incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first centre day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

Stages of complaint (not complaints against senior staff)

Stage 1: informal

The centre will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the complaint as soon as possible with the relevant member of staff either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the office coordinator on 01684 423101, email emilylyons@bridgethegabmalvern.com. The centre will acknowledge informal complaints within three working days, and investigate and provide a response within ten working days.

The informal stage will involve a meeting between the complainant and the Director of BTGM and/or the subject of the complaint, if appropriate.

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

Stage 2: formal

The formal stage involves the complainant putting the complaint to the Director of BTGM and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

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

If complainants need assistance raising a formal complaint, they can contact the office coordinator on 01684 423101, email emilylyons@bridgethegabmalvern.com

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

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the Director of BTGM in writing within five working days.

Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the centre. The panel cannot be made up solely of BTGM staff, as they are not independent of the management and running of the centre.

The panel will have access to the existing record of the complaint's progress (see section 10). The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the centre, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the centre representative(s) will be given the chance to ask and reply to questions. Once the complainant and centre representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

The centre will inform those involved of the decision in writing within five school days.

Complaints against the senior members of BTGM staff

Stage 1: informal

Complaints made against senior members of staff from BTGM, should be directed to the clerk to the Director of BTGM in the first instance.

A suitably skilled and impartial member of staff will carry out the steps at stage 1 (set out in section 6 above).

Stage 2: formal

If the complaint is about the Director of BTGM, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board of The Bridge School Malvern and will write a formal response at the end of their investigation.

Complaints against alternative providers

Complainants are recommended to attempt to resolve the complaint directly with the subcontractor in the first instance. If there is no satisfactory outcome, then proceed to stage 1.

Stage 1: informal

The centre will take all concerns about their subcontractors seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the BTGM staff as soon as possible.

Complaints against subcontractors can be made in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the office coordinator on 01684 423101, email emilylyons@bridgethegabmalvern.com

The centre will acknowledge informal complaints within three working days, and investigate and provide a response within ten working days.

The informal stage will involve a meeting between the complainant and a member of staff from BTGM and/or the subject of the complaint, if appropriate.

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

Stage 2: formal

The formal stage involves the complainant putting the complaint to the Director of BTGM and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

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

If complainants need assistance raising a formal complaint, they can contact the office coordinator on 01684 423101, email emilylyons@bridgethegabmalvern.com

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

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board of The Bridge School Malvern in writing within five school days.

Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the centre. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the centre.

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The panel, the complainant and the centre representative(s) will be given the chance to ask and reply to questions. Once the complainant and centre representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Director of BTGM. The centre will inform those involved of the decision in writing within five working days.

On completion of the centre's procedure

Referring complaints on completion of the centre's procedure

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

- Education
- Pupil welfare and health and safety
- School premises

- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

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

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

Persistent complaints

Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the centre's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on centre's time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the centre in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our centre site.

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint, If there are new aspects, we will follow this procedure again.

Complaint campaigns

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

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

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

Record keeping

The centre will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or

where the material must be made available during a school inspection at The Bridge School Malvern.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and GDPR Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the Director of BTGM is aware of the substance of the complaint before the review panel stage, the centre will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Director of BTGM, who will not unreasonably withhold consent.

Learning lessons

The Director of BTGM will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

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

The complaints records are logged and managed by the Director of BTGM. This policy will be reviewed by the BTGM staff and director every three years. At each review, the policy will be approved by the Director of BTGM.

Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- Privacy notices