

Complaints Policy

Policy written by: Philippa Mills Jul 2019
 Reviewed: John Milne Sep 2020
 Next review date: Sep 2021

'College' refers to Bristol International College; 'parents' refers to parents, guardians and carers.

CONTENTS

1.	Aims.....	2
2.	Scope and application.....	2
3.	Time scales	2
4.	Regulatory framework	3
5.	Responsibility statement and allocation of tasks	3
6.	Publication and availability.....	4
7.	Definitions and interpretation	4
8.	Management of complaints	4
9.	Record keeping and confidentiality.....	5
10.	Training.....	5
11.	Version control.....	5
Appendix 1	Stage 1 - Informal Complaint	7
Appendix 2	Stage 2 - Formal Complaint.....	9
Appendix 3	Stage 3 - Complaints Panel.....	11
Appendix 4	Unreasonable Complaints.....	14

1. Aims

- 1.1. This is the complaints policy of Bristol International College.
- 1.2. The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
 - 1.2.1. allows for their resolution informally and sets out the College's formal procedures where this is not achievable;
 - 1.2.2. is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
 - 1.2.3. enables a full and fair investigation;
 - 1.2.4. respects people's desire for confidentiality;
 - 1.2.5. addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
 - 1.2.6. provides information to the College's senior leadership / management team so that services can be improved and;
 - 1.2.7. to help to create a culture of safety, equality and protection.

2. Scope and application

- 2.1. This policy applies to the whole College.
- 2.2. This policy applies only to complaints by parents. The College has separate grievance and whistleblowing policies to cover concerns that a member of staff may have.
- 2.3. A parent, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or who has care of the child¹. This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the College where a parent seeks action by the College.
- 2.4. This policy does not apply to exclusions, to which the College's exclusion procedure applies.
- 2.5. This policy applies to complaints from each of the following:
 - 2.5.1. parents of current students;
 - 2.5.2. parents of former students if the complaint was initially raised when the student was registered at the College.
- 2.6. Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the College's complaints procedures.
- 2.7. All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, students or parents for reasons of data protection and confidentiality.
- 2.8. There may be occasions when it is necessary or reasonable to deviate from this complaints procedure if this is reasonable and justified. Complainants will be notified of the changes.
- 2.9. The College encourages anyone with any concerns about the College's operation to raise them with the College. They should do so by writing to the Principal setting out their concerns and the action sought.

3. Time scales

- 3.1. Whenever possible, in the interests of a prompt resolution of issues a complaint 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. We will however consider complaints made outside of this time frame if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to the delay.

4. Regulatory framework

- 4.1. This policy has been prepared to meet the College's responsibilities under:
- 4.1.1. Education (Independent School Standards) Regulations 2014;
 - 4.1.2. Education and Skills Act 2008;
 - 4.1.3. Children Act 1989;
 - 4.1.4. Childcare Act 2006;
 - 4.1.5. Data Protection Act 2018 and General Data Protection Regulation (**GDPR**); and
 - 4.1.6. Equality Act 2010.
- 4.2. The following College policies, procedures and resource materials are relevant to this policy:
- 4.2.1. Parent contract

5. Responsibility statement and allocation of tasks

- 5.1. The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 5.2. To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Mr John Milne Principal	As required, and at least annually
Monitoring the implementation of the policy	Mr John Milne Principal	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Ms Rhian Welch HR Manager	As required, and at least termly
Seeking input from interested groups (such as students, staff, Parents) to consider improvements to the College's processes under the policy	Mr John Milne Principal	As required, and at least annually

Formal annual review of complaints and implementation of any recommendation to identify trends and recommend further improvement to policies & procedures	Mr John Milne Proprietor & Chair of Governors	Annually
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6. Publication and availability

- 6.1. This policy is published on the College website.
- 6.2. This policy is available in hard copy on request.
- 6.3. A copy of the policy is available for inspection from the College office during a working day.
- 6.4. This policy can be made available in large print or other accessible format if required.
- 6.5. Information regarding the number of complaints registered under the formal procedure of this policy during the preceding College year is available to parents of students and parents of prospective students and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate. This information is available on request, via the College office.

7. Definitions and interpretation

- 7.1. Where the following words or phrases are used in this policy:
 - 7.1.1. References to the **Proprietor** are references to Bristol International College Limited.
 - 7.1.2. References to **working days** mean Monday to Friday, when the College is open during term time. The dates of terms are published on the College's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening College holidays, the College's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
- 7.2. Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs.
 - 7.2.1. It is expected that the management of every complaint will progress in a timely manner.
 - 7.2.2. The College aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the College's attention as soon as possible.
 - 7.2.3. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the College will notify the parents and inform them of the new timescales as soon as possible.

8. Management of complaints

- 8.1. The College's policy allows for complaints to be considered at three stages:
 - 8.1.1. Stage 1: Informal raising of a complaint. Further details of this procedure are set out in [Appendix 1](#).

- 8.1.2. Stage 2: A formal complaint in writing. Further details of this procedure are set out in [Appendix 2](#).
- 8.1.3. Stage 3: Reference to a complaints panel. Further details of this procedure are set out in [Appendix 3](#).
- 8.2. Separate procedures apply if the Principal expels or requires the removal of a student from the College and the parents seek a review of that decision. See the College's exclusion procedure.
- 8.3. Attention is drawn to the information included in Appendix 4 which is drawn from:
 - 8.3.1. the Department for Education's [Best practice advice for school complaints procedures 2019](#)
 - 8.3.2. the Department for Education guidance [Controlling access to school premises 2018](#)

9. Record keeping and confidentiality

- 9.1. All records created in accordance with this policy are managed in accordance with the College's policies that apply to the retention and destruction of records.
- 9.2. The College keeps a written record of all formal complaints, including the following:
 - 9.2.1. whether they were resolved at Stage 2 or Stage 3.
 - 9.2.2. the action taken by the College as a result of the complaints (regardless of whether they are upheld).
- 9.3. In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.
- 9.4. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.
- 9.5. The records created in accordance with this policy may contain personal data. The College has a number of privacy notices which explain how the College will use personal data about students and parents. The privacy notices are published on the College's website. In addition, staff must ensure that they follow the College's data protection policies and procedures when handling personal data created in connection with this policy. This includes the College's data protection policy and information security policy.

10. Training

- 10.1. The College ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 10.2. The level and frequency of training depends on the role of the individual member of staff.
- 10.3. The College maintains written records of all staff training.

11. Version control

Date of adoption of this policy	May 2019
Date of last review of this policy	First Policy

Date for next review of this policy	September 2021
Policy owner (SMT)	John Milne (Principal)
Policy owner (Proprietor)	Bristol International College Limited

Appendix 1 Stage 1 - Informal Complaint

1. Informal resolution of a complaint

- 1.1. We expect that most complaints can be resolved informally without the need to use the formal stages of the complaints procedure. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

2. Who to contact

- 2.1. Where appropriate, complaints should initially be raised as follows:
- 2.1.1. **educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the student's tutor. Your complaint may be passed to a more senior member of staff if appropriate;
 - 2.1.2. **pastoral care:** for complaints relating to matters outside the classroom, please speak or write to the student's tutor;
 - 2.1.3. **disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it /the student's tutor;
 - 2.1.4. **financial matters:** a query relating to fees or extras should be addressed in writing to the Finance Office.
- 2.2. An informal complaint will be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.
- 2.3. Wherever appropriate, the College will ask the parent at the earliest stage what they think might resolve the issue.
- 2.4. The parent will receive a response to the complaint within 15 working days.
- 2.5. If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in [Appendix 2](#).

3. Complaints about the Principal

- 3.1. The procedure for dealing with an informal complaint about the Principal of the College is set out below:
- 3.1.1. parents may choose to raise complaints directly with the Principal if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the College will not automatically treat the complaint as a formal (Stage 2) complaint and the Principal will endeavour to resolve the complaint informally under Stage 1;
 - 3.1.2. the Principal will acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the parents, to be held within 15 working days of the initial complaint
 - 3.1.3. if the parent is dissatisfied with the Principal's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint under Stage 2 of this procedure as set out in [Appendix 2](#).

- 3.2. Alternatively, parents may choose to make their complaint about the Principal in writing to a Director. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in [Appendix 2](#).

Appendix 2 Stage 2 - Formal Complaint

1. How to make a formal complaint

- 1.1. Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.
- 1.2. The formal complaint must be in writing addressed to the Principal of the College and should include:
 - 1.2.1. a copy of any relevant documents and full contact details; and
 - 1.2.2. details of all the grounds of the complaint and the outcome desired.
- 1.3. The complaint will be acknowledged by telephone, email or letter within three working days, indicating the action that is being taken and the likely timescales.

2. Investigation

- 2.1. The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
 - 2.1.1. delegation of the investigation to a senior member of staff or third party;
 - 2.1.2. involvement of one or more Directors/Governors;
 - 2.1.3. request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1); and
 - 2.1.4. request for a conversation and / or a meeting with the parent personally and / or others with relevant knowledge of the circumstances to define the scope of the complaint and or assist in the investigation.
- 2.2. Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, he / she will prepare a report on the investigation which will be considered by the Principal. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

3. Decision

- 3.1. The Principal will notify the parent by email or letter of his / her Stage 2 decision and the reasons for it within 15 working days from the receipt of the formal complaint.
- 3.2. If the parent is dissatisfied with the Stage 2 response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 using the procedure set out in [Appendix 3](#).

4. Complaints about the Principal

- 4.1. The procedure for dealing with a formal complaint about the Principal of the College is set out below:
 - 4.1.1. The complaint should be put in writing to the Directors. The written complaint should include a copy of any relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired
 - 4.1.2. The Director, will acknowledge the complaint by telephone, email or letter within three working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation

and/or a meeting with the parent. The parent will receive a response to the complaint within 15 working days.

- 4.1.3. If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3 using the procedure set out in [Appendix 3](#).

Appendix 3 Stage 3 - Complaints Panel

1. Complaints panel hearing

- 1.1. If a parent is dissatisfied with the Stage 2 response to the complaint, the parent can request a complaints panel hearing.
- 1.2. A complaints panel Hearing (**Hearing**) is a Hearing to consider those elements of the Stage 2 response to a parent's complaint with which the parent remains dissatisfied. The panel is not obliged to consider any new complaints which have not been previously raised.

2. How to request a Hearing

- 2.1. A request for a Hearing must be put in writing to the Chair of the Board of Directors & Chair of the Board of Governors, Mr John Milne, and will usually only be considered if the procedure at Stage 2 has been completed.
- 2.2. The written request should include:
 - 2.2.1. a copy of any relevant documents and full contact details;
 - 2.2.2. details of all the grounds of the complaint and the outcome desired;
 - 2.2.3. a list of the documents which the parent believes to be in the College's possession and wish the complaints panel to consider; and
 - 2.2.4. whether the parent proposes to be accompanied to the hearing.
- 2.3. If assistance with the request is required, for example because of a disability, please inform the Principal, John Milne, who will be happy to make appropriate arrangements.
- 2.4. The Chair of the Board of Directors & Chair of the Board of Governors, Mr John Milne, will acknowledge the request for a Hearing in writing within three working days of receipt.
- 2.5. Every effort will be made to enable the Hearing to take place within 15 working days of receipt of the request.

3. Planning the Hearing

- 3.1. Mr John Milne, Chair of the Board of Directors & Chair of the Board of Governors, will send written notification to each party of the date, time and place of the Hearing at least ten working days before the date of the Hearing.
- 3.2. Copies of any documents (additional to those specified in 2.2.1 and 2.2.3) that the parent wishes the complaints panel to consider should be sent to Mr Milne, to be received at least seven working days prior to the Hearing.
- 3.3. Mr Milne will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties at least [• three] working days prior to the Hearing.
- 3.4. The parent may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not legal proceedings, and legal representation is not viewed as necessary.
- 3.5. The parent should note that the complaints panel will wish to speak to him / her directly. If they are accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the complaints panel.
- 3.6. A person will be appointed to take a minute of the Hearing.

1.

4. Composition of the complaints panel

- 4.1. The complaints panel will comprise at least three individuals (two of whom will be members of the Board of Directors) who have no detailed prior knowledge of the circumstances of the complaint, and including at least one panel member who is independent of the management and running of the College.
- 4.2. The parent may ask Mr Milne to inform them who has been appointed to sit on the complaints panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.
- 4.3. The complaints panel members will appoint one of themselves to be the Chair of the panel throughout the proceedings.

5. Role of the complaints panel

- 5.1. The role of the complaints panel is to establish the facts surrounding the complaints that have been made by considering:
 - 5.1.1. the documents provided by both parties; and
 - 5.1.2. any representations made by the parties
 and to reach a decision, on the balance of probabilities, as to whether or not to uphold each complaint.

6. The Hearing

- 6.1. Unless prior to the commencement of the Hearing, a parent confirms that they are satisfied with the outcome of their complaint, the Hearing will proceed notwithstanding that the parent may decide not to attend. In these circumstances, the complaints panel will consider the parent's complaint in his / her absence and issue findings on the substance of the complaint.
 - 6.2. During the Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
 - 6.3. All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
 - 6.4. All those present should they fail to do so, during the Hearing are expected to show courtesy, restraint and good manners, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
 - 6.5. The Chair may, at his / her discretion, adjourn the Hearing if he / she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
 - 6.6. A Hearing before the complaints panel is a private proceeding. No notes or other records or oral statements relating to the complaint or any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
2. When the Chair of the panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Hearing.

7. Decision

- 7.1. The complaints panel will make findings about each complaint on the balance of probabilities and may make recommendations.
- 7.2. It is not within the powers of the complaints panel to make any financial award, nor to impose sanctions on staff, students or parents, although the complaints panel may make recommendations.
- 7.3. The minutes of the complaints panel hearing, together with the complaints panel's findings and any recommendations will be provided in writing to the parents and, where relevant, the person complained about, within five working days of the Hearing. The complaints panel's findings and any recommendations including any actions taken to implement them will also be available for inspection on the College premises by the Proprietor and the Principal.
- 7.4. The completion of Stage 3 represents the conclusion of the College's complaints procedure.
- 7.5. If a duplicate complaint is received by a new complainant following completion of the Stage 3 procedure, the College will inform the new complainant that the matter is closed.

8. Next steps

- 8.1. The decision of the Panel is final. There will be no further opportunity within the College for consideration of the complaint.
- 8.2. If the complainants or student wish to take the matter further, they can take action through the courts, or raise concerns with other organisations such as the Department for Education, ISI, the ICO or the Charity Commission.

Appendix 4 Unreasonable Complaints

Bristol International 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 us. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We adopt the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the College, hinder our consideration of their or other people's complaints.

Unreasonable complaints are taken seriously by the College as they put a strain on valuable resources and hinder the progress of proper investigations. The College may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

1. **A complaint may be regarded as unreasonable when the person making the complaint:**
 - 1.1. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - 1.2. refuses to co-operate with the complaints investigation process;
 - 1.3. refuses to accept that certain issues are not within the scope of a complaints procedure;
 - 1.4. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - 1.5. introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - 1.6. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - 1.7. changes the basis of the complaint as the investigation proceeds;
 - 1.8. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - 1.9. refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
 - 1.10. seeks an unrealistic outcome;
 - 1.11. makes excessive demands on College time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
2. **A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:**
 - 2.1. maliciously;
 - 2.2. aggressively;

- 2.3. using threats, intimidation or violence;
 - 2.4. using abusive, offensive or discriminatory language;
 - 2.5. knowing it to be false;
 - 2.6. using falsified information;
 - 2.7. publishing unacceptable information in a variety of media such as in social media websites and newspapers.
3. **A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.**
- 3.1. In assessing this, the College shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the College will consider a range of factors including:
 - 3.1.1. whether a complaint has reasonable foundation;
 - 3.1.2. the history and context of the complaint (and any evidence where relevant);
 - 3.1.3. whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
 - 3.1.4. whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
 - 3.1.5. unexplained delay in raising a complaint or issue;
 - 3.1.6. if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
 - 3.1.7. any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Principal and / or Chair of the Board of Directors & Chair of the Board of Governors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

If the behaviour continues, the College 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, the College may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after 12 months.

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