



STAMFORD  
PARK TRUST

Stamford Park Trust

Complaints Policy & Procedure (ASFC)

September 2024

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<b>Legal Framework/Statutory Guidance:</b>	<ul style="list-style-type: none"> <li>• Education (Independent School Standards) Regulations 2014</li> <li>• <a href="#">The Equality Act 2010</a></li> <li>• <a href="#">Setting up an academies complaints procedure - GOV.UK (www.gov.uk)</a></li> </ul>

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## Aims

Stamford Park Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our academies, and other people in our community.

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
- Make sure 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 college improvement evaluation processes

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

The trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the college and trust 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 statutory 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 pupils at our academies.

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 policy complies with our funding agreement and articles of association.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of students that are registered at a school or college in our trust. Any person, including members of the public, may make a complaint to a school or college within the trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## The difference between a concern and a complaint

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

- 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”

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint procedure. The college takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Vice Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Vice 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.

We understand however, that there are occasions where people would like to raise their concerns formally. In this case, the college will attempt to resolve the issue internally, through the stages outlined within this complaint procedure.

## How to raise a concern or make a complaint

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 on a complainant, as long as they have appropriate consent to do so.

**Complaints regarding general college issues or involving college staff** (except the Centre Principal) should be made in the first instance, to the office marked for the attention of the PA to the Principal or by email to [contact@asfc.ac.uk](mailto:contact@asfc.ac.uk). Please mark them as Private and Confidential.

**Complaints that involve or are about the Vice Principal** should be addressed to the Centre Principal, via the college office marked for the attention of the PA to the Principal or by email to [contact@asfc.ac.uk](mailto:contact@asfc.ac.uk). Please mark them as Private and Confidential.

**Complaints about the Centre Principal** should be addressed to Anton McGrath, CEO via via the trust office at Ashton Sixth Form College, Darnton Road, Ashton-under-Lyne, OL6 9RL or by email to [c.j.haigh@spt.ac.uk](mailto:c.j.haigh@spt.ac.uk). Please mark them as Private and Confidential.

**Complaints about the Chair of Governors, any individual governor or the whole governing body** should be addressed to Carolyn Haigh, Head of Governance via the college office or by email to [c.j.haigh@spt.ac.uk](mailto:c.j.haigh@spt.ac.uk). Please mark them as Private and Confidential.

**Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust**, should be addressed to Mr S Foote, Chair of Trustees, via the trust office at Ashton Sixth Form College, Darnton Road, Ashton-under-Lyne, OL6 9RL or via the Head of Governance by email to c.j.haigh@spt.ac.uk. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the college office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

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.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the Centre Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

You must raise the complaint 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 consider complaints made outside of this time frame if exceptional circumstances apply.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first college teaching day after the holiday period.

## Scope of this complaint procedure

This procedure covers all complaints about any provision of community facilities or services by the college, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to college</li> </ul>	Concerns about admissions should be handled through the published appeals process.
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

	<p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding at Tameside Safeguarding Children Partnership</p> <p>Tameside One, Market Place, Ashton-under-Lyne, Tameside, OL6 6BH General Enquiries Tel : 0161 342 4348</p> <p>tscp@tameside.gov.uk</p>
<ul style="list-style-type: none"> <li>Exclusion from college</li> </ul>	Concerns about exclusions should be handled through the published appeals process.
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about the college should complain through the college's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the college's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be dealt with under the college's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, the trust 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 event complained of 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 college/trust policies in light of the complaint
- an apology.

## Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Stage 1 – Informal complaints / Official Expression of Concern

The college will take Official Expressions of Concern 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 concern as soon as possible with the relevant member of staff, by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the college reception on 0161 330 2330 or email [contact@asfc.ac.uk](mailto:contact@asfc.ac.uk).

Parent/Carer queries/concerns should be directed to their son/daughter's Senior Tutor in the first instance. If the query/concern relates to their son/daughter's Senior Tutor, then this can instead be directed to one of the Senior Tutor Managers. If parents/carers are unsure of who their son/daughter's tutor is they can contact the college reception on 0161 330 2330 or email [contact@asfc.ac.uk](mailto:contact@asfc.ac.uk) who will provide this information.

The college will acknowledge an Expression of Concern within 5 college teaching days, and investigate and provide a response as soon as possible but within 20 college teaching days.

The Official Expression of Concern stage may involve a meeting between the complainant and the relevant Senior Manager, and/or the subject of the complaint, if appropriate.

The majority of concerns will be resolved at this stage, however, should the concern not be resolved, it will be escalated to Stage 2.



## Stage 2a – Formal complaints to the Vice Principal of Curriculum and Planning

Formal complaints must be made to the Vice Principal of Curriculum and Planning (unless they are about the Vice Principal). This may be done in person but preferably in writing.

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 college reception on 0161 330 2330 or email [contact@asfc.ac.uk](mailto:contact@asfc.ac.uk).

The Vice Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 college days.

The Vice Principal (or other Senior Manager appointed by the Vice Principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant as soon as possible but within 15 college teaching days. If the Vice Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should request to escalate the complaint to stage 2b in writing within 15 college teaching days.

## Stage 2b – Formal complaints to the Centre Principal

If the complainant is dissatisfied with the outcome at Stage 2a and wishes to take the matter further, they can escalate the complaint to Stage 2b, where the complaint will be referred to the Centre Principal.

The Centre Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 college days.

Within this response, the Centre Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Centre Principal can consider whether a face-to-face meeting is the most appropriate way of doing this.

During the investigation, the Centre Principal 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 Centre Principal will provide a formal written response within 15 college days of the date of receipt of the complaint.

If the College Principal is unable to meet this deadline, they 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 the college and/or trust will take to resolve the complaint.

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

## Complaints about Vice Principal, Centre Principal, CEO, Governor or Governing Body, Trustee or Board of Trustees

If the complaint is about the Vice Principal, Centre Principal, CEO, a governor, the full governing body, a trustee or the board of trustees, an investigation will be carried out as per stage 2b, by the following postholders:

<b><i>If the complaint is about:</i></b>	<b><i>The actions at 2b will be carried out by:</i></b>
Vice Principal	Centre Principal
Centre Principal	Chief Executive Officer (CEO)
CEO	Chair of the Trust Board
A governor or governing body	Chair of the Trust Board
A trustee or board of trustees	Chair of the Trust Board
Chair of the trust board	Vice Chair of the trust Board

There will be no stage 2a – if the complainant is dissatisfied, the investigator will advise the complainant how to escalate their complaint to stage 3.

## Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2b and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the college. This is the final stage of the complaint procedure.

A request to escalate to Stage 3 must be made to the Head of Governance, via the college office or by email to [c.j.haigh@spt.ac.uk](mailto:c.j.haigh@spt.ac.uk), within 15 college days of receipt of the Stage 2b response.

The Head of Governance will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 college days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Head of Governance will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 college days of receipt of the request. If this is not

possible, the Head of Governance will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Head of Governance 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 or
- the entire governing body or
- the majority of the governing body

stage 3 will be heard by the trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a college employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

Where possible, at least 10 college days before the meeting, the Head of Governance 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 committee at least 5 college days before the meeting.

Any written material will be circulated to all parties at least 5 college days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also 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 committee will consider the complaint and all the evidence presented. The committee 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 committee 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 Committee will provide the complainant and the college with a full explanation of their decision and the reason(s) for it, in writing, within 5 college 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.

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 college and/or trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the college premises by the proprietor and the Centre Principal.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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.

## Next Steps

If the complainant believes the college / 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 Stamford park Trust. They will consider whether the college/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

## Appendix 1 - Complaint Form

Please complete and return the college office marked for the attention of the PA to the Principal, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the college about it.</b>

**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:**

**Action taken:**

**Date:**

## Appendix 2 - Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the college in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

*(this may be the Vice Principal, Centre Principal, CEO, Chair of Trustees or their designate)*

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Vice Principal/Centre Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Vice Principal, Centre Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.



## Complaints Co-ordinator

*(this could be the Vice Principal, Centre Principal, CEO or Head of Governance, dependent upon the stage of the complaint)*

*The complaints co-ordinator should:*

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Vice Principal, Centre Principal, CEO, Chair of Governors, Chair of Trust or the Head of Governance and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## Head of Governance

At stage 3 of the complaints process, the Head of Governance is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Head of Governance) to provide any additional information relating to the complaint by a specified date in advance of the meeting
  - the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
  - complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
  - the remit of the committee is explained to the complainant
  - written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and

comment upon it; this may require a short adjournment of the meeting

- both the complainant and the college are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Head of Governance

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the college and the complainant  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting  
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.  
The committee should respect the views of the child/young person and give them equal consideration to those of adults.  
If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.  
However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## Appendix 3 - Flowchart

## Complaints Handling Flowchart – 16-19, Adult Education and Higher Education

