



# Adult Learning Kirklees

## Complaints Guidance

### 2022-2024

Adult Learning Kirklees is part of Kirklees Council and as such follows all KC policies, procedures and guidance.

All policies will be reviewed annually by the ALK Advisory Board unless there are in year changes required according to legislation or policy change.

Providers will be made aware of any new policies or changes to inform and amend their own policies and guidance. Policies highlighted will need to be devised, reviewed and revised by the provider annually.

Policies created by: Jeanette Palmer Nina Barnes	Date Created: July 2022	Date of Renewal: July 2024
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## **ALK Complaints procedure**

This policy is based on the DfE best practice model complaints policy of March 2019. This is advocated as the model policy for Ault Learning Kirklees.

### **Who can make a complaint?**

Any person, including members of the public, may make a complaint to ALK about any provision of facilities or services that we provide.

### **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 complaints procedure. ALK 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, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we 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 when people would like to raise their concerns formally. In this case, ALK will attempt to resolve the issue internally, through the stages outlined within this complaints 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.

Concerns should be raised with the ALK Manager. If the issue remains unresolved, the next step is to make a formal complaint. 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 school office. You can also ask third party organisations 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 ALK Manager or Chair of Advisory Board, 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.

## **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by ALK.

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

## **Resolving complaints**

At each stage in the procedure, ALK 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 school 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

Formal complaints must be made to the ALK Manager (unless they are about the manager- in this case, the complaint will be passed to the advisory board chair/ manager's line manager as appropriate). This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The manager will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 7 days.

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

*Note: The manager may delegate the investigation to another member of the senior leadership team but not the decision to be taken.*

During the investigation, the manager (or 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 manager will provide a formal written response within 7 days of the date of receipt of the complaint.

If the manager 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 ALK will take to resolve the complaint.

The manager will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the manager, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor/ manager will be appointed to complete all the actions at Stage 1.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made, within 7 days of receipt of the Stage 1 response.

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

The manager will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 7 days of receipt of the Stage 2 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the manager 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.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from ALK available, additional, independent governors will be found through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along 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, an employee 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 days before the meeting, the manager 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 7 days before the meeting.

Any written material will be circulated to all parties at least 7 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 systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant a. a full explanation of their decision and the reason(s) for it, in writing, within 7 days.

The letter to the complainant will include details of how to contact Kirklees Council if they are dissatisfied with the way their complaint has been handled.

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 heard by a committee of independent governors.

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 [ALK](#) will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Next Steps**

If the complainant believes ALK did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties, they can contact Kirklees Council after they have completed Stage 2.

## Complaint Form

Please complete and return to ALK Manager who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Address:</b>
<b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>



## **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 ALK 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**

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 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 manager or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The manager 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 manager / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff members, manager, Chair of Governors and LAs (if appropriate) 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.
- keep records.

## **Committee Chair**

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

- both parties are asked 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.
- 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 ALK 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 ALK Manager.

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so.

No governor 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 ALK 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.
- 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.