



KBM Tutors Complaint Policy

Introduction

Organisations are required by law to have a procedure in place to deal with complaints relating to aspects of the tuition or the provision of facilities or certain services at the workplace. The procedure outlined in this document is based upon current Department for Education guidance.

A complaint can be brought by a parent of a registered child at the tuition or any person who has been provided with a service or a facility at the tuition. This document refers to this person as the complainant.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that the tuition has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage.

Workplaces may have a nominated member of staff with responsibility for the operation and management of the tuition complaints procedure. At KBM Tutors this nominated member of staff is the Head teacher.

Special circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual abuse or neglect should be referred without delay through the tuition's safeguarding processes. If social services decide to investigate a situation this may postpone or supersede investigation of the complaint by the tuition.

Where a matter is capable of resolution through a legal appeal it will not be considered as a formal complaint and the complainant should be directed to the appropriate appeal procedure. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to exclude a child.

Dealing with concerns informally

The vast majority of complaints and concerns can be resolved informally.

The complainant will be encouraged to discuss their concern with the appropriate member of staff. On major issues, the Head teacher of Tuition may be the appropriate member of staff at this stage, but more usually it may be the Deputy Head teacher or Head teacher of Department.

- The complainant may bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- This stage should be completed speedily and concluded in writing with a letter to the complainant copied to the Head teacher of Tuition, with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Head teacher of Tuition. To assist in this process, the complainant should be provided with a copy of the KBM Tutors Formal Complaint Form. However, formal complaints may be made in any written format.

FORMAL STAGE 1 – REFERRAL TO HEAD TEACHER OF TUITION FOR INVESTIGATION

The Head teacher of Tuition must acknowledge receipt of the complaint in writing. In some cases the Head teacher of Tuition will have already been involved in looking at the matter; in others it will be his/her first involvement.

1. The Head teacher of Tuition should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
2. If the complaint is against a member of staff, the Head teacher of Tuition should talk to and if necessary take a written statement from the staff member against whom the complaint has been made.
3. If necessary, the Head teacher of Tuition should interview witnesses and take statements from those involved.
4. The Head teacher of Tuition must keep reasonable written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Head teacher of Tuition will produce a written response to the complainant. The Head teacher of Tuition may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
6. The written response must include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the tuition will take to resolve the complaint.
7. Stage 1 must be completed in 15 working days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head teacher of Tuition will write to the complainant giving a revised target date.
8. KBM Tutors will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).
9. The Formal Stage 1 response must also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the **Director of the Organisation within 15 tuition days of receiving the outcome letter.**

COMPLAINTS AGAINST THE HEAD TEACHER OF TUITION

If the complaint is wholly or mainly about the Head teacher of Tuition, the Director must consider the complaint in accordance with Formal Stage 2 of the procedure described below. The tuition must forward the complaint without delay to the Director.

However, before Stage 2 is instigated the Director will invite the Head teacher of Tuition to respond to the complaint in writing within ten tuition days. The Director will send a copy of the Head teacher of Tuition's response to the complainant who will be asked to indicate within five working days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response Formal Stage 2 should commence as described below.

FORMAL STAGE 2 – CONSIDERATION BY THE TUITION DIRECTOR

1. If the complainant decides to take the matter further and the Director of the Tuition receives a formal complaint following an unsuccessful attempt to resolve the matter at Formal Stage 1, the Director of the Tuition will write to the complainant to acknowledge the complaint within five tuition days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Head teacher of Tuition.
2. If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Director by the Head teacher of Tuition. However, where the complaint is against the Head teacher of Tuition and the complaint is referred to Stage 2, the Director of the Tuition must decide how the complaint should be investigated.
3. Where the facts of the complaint are clearly established, it is unlikely for the Director of the Tuition to order an investigation. The matter may instead be escalated directly to the Governing Body's Complaints Appeal Panel (CAP).
4. KBM Tutors Local Governing Board's CAP consists of three governors with no prior, direct involvement with the complaint and a fourth member who is independent of the management and running of the tuition. In deciding the make-up of the CAP, where possible the governing body will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

5. The Head teacher of Tuition may not serve on the CAP. If the Chair of the Local Governing Board has had any prior involvement in the complaint then the Chair must not sit on the CAP.
6. The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
7. The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:
 - Deal with the administration of the procedure;
 - Provide independent advice on procedure and evidence;
 - Ensure that the relevant facts are established;
 - Minute the meeting; and
 - Draft the decision letter.
8. The Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Head teacher of Tuition.
9. The Chair of the CAP will confirm the date of the meeting with the other governor(s).
10. The complainant and Head teacher of Tuition will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Head teacher of Tuition, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.
11. The Head teacher of Tuition will also be invited to prepare a written report for the CAP in response to the complaint.
12. All relevant correspondence regarding the complaint will be circulated to the CAP, the complainant and the Head teacher of Tuition in advance of the meeting.
13. If the Head teacher of Tuition and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.
14. It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.
15. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the tuition and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
16. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.
17. The meeting will allow for:
 - The complainant to explain his or her complaint and the Head teacher of Tuition to explain the reasons for his or her decision;
 - The Head teacher of Tuition to question the complainant about the complaint and the complainant to question the Head teacher of Tuition;
 - The CAP to have an opportunity to question both the complainant and the Head teacher of Tuition;
 - Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses;
 - A final statement by the Head teacher of Tuition and complainant.
18. The Chair of the CAP will explain to the complainant and the Head teacher of Tuition that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head teacher of Tuition and any witnesses will then leave.
19. The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the tuition's system or procedures to ensure that problems of a similar nature do not happen again.
20. As in formal stage 1, section 8 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
21. The Chair of CAP will send a written statement outlining the decision with reasons, incorporating the findings of the panel and any recommendations, to both the complainant and the Head teacher of Tuition. A copy of the written statement will be made available for inspection on the tuition premises by the proprietor and the Head teacher of Tuition.
22. Stage 2 will be completed in 15 working days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee will write to the complainant and Head teacher of Tuition giving a revised target date.

ROLE OF THE SECRETARY OF STATE FOR EDUCATION

If the complainant is unhappy with the way in which the tuition has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene.

For the Secretary of State to intervene following a complaint, he needs to be sure that either:

- The tuition has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or
- The tuition has failed to discharge any duty imposed by or for the purposes of the Education Act 1996. Guidance on making a submission about a tuition complaint to the Department for Education can be found on Department for Education website at the following link:
- <https://www.gov.uk/complain-about-tuition/state-tuitions>

VEXATIOUS COMPLAINTS

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Director of the Tuition can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

CONFIDENTIALITY

All correspondence, statements and records of complaints will be kept confidential.

Monitoring and Evaluation

The Tuition will evaluate the impact of the policies by feedback received from children, staff and parents. This policy will be reviewed annually.

Review

Date policy implemented: September 2019

