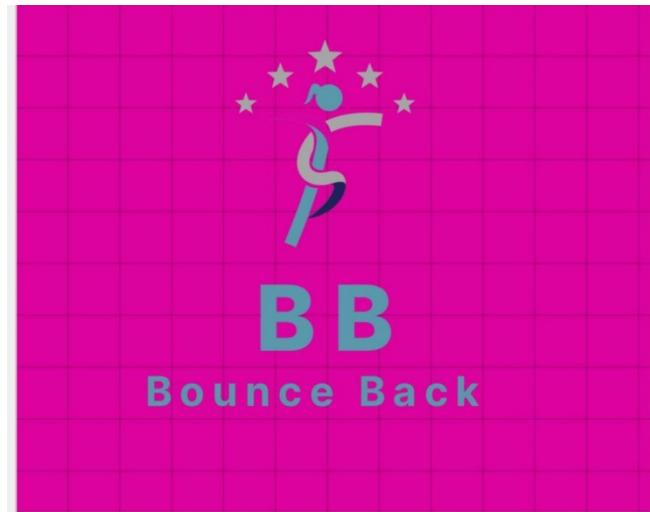


# Bounce Back Alternative Provision



## Complaints Policy

Control Sheet

Version number	1.2
Original date approved	September 2024
Current date approved	September 2025
Approved by	Rebecca Swallow
Date of next review	September 2026
Status	Active
Policy Owner	Bounce Back AP
Policy location	Website, on site

## Table of Contents

1. Statement of Intent
2. Legal Framework
3. Definitions
4. Statutory Obligations
5. Policy Implementation
6. Dealing with Complaints
7. Resolving Complaints
8. Records
9. Making a Complaint
10. Complaints Not Covered by this Procedure
11. Anonymous Complaints
12. Dealing with Complaints – Initial Concerns (Informal Stage)
13. Exceptional Circumstances
14. Investigation
15. Time Frames
16. Formal Complaints – Stage One – Complaint heard by Staff Member
17. Formal Complaints – Stage Two – Complaint heard by Proprietor/ Headteacher
18. Formal Complaints – Stage Three – Complaints heard by Governing Board
19. The Remit of the Complaints Appeal Panel
20. Hearing the Complaint at the Meeting
21. Roles and Responsibilities

## Complaints Policy

### **1. Statement of Intent**

**1.1** Bounce Back Alternative Provision is committed to ensuring that all children and young people are provided with a first class experience and that the provision works in a productive and positive partnership with all parents, carers and other members of the public.

**1.2** Bounce Back AP aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of provision possible throughout the procedure.

**1.3** This policy has been created to deal with any complaint against a member of staff or Bounce Back AP as a whole, relating to any aspects of the setting or the provision of facilities or services. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the setting provides. This policy outlines the procedure that the complainant and Bounce Back AP must follow.

**1.4** Once a complaint has been made, it can be resolved or withdrawn at any stage. If a complainant wants to withdraw their complaint, this should be confirmed in writing. The Proprietor, Rebecca Swallow will be the first point of contact when following the complaints procedure.

**1.5** This policy will be reviewed at least every two years.

### **2. Legal Framework**

**2.1** This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

**2.2** This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

### **3. Definitions**

**3.1** For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

**3.2** Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice.

**3.3** A “concern” can be defined as ‘an expression of worry or doubt’ where reassurance is required.

**3.4** Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

**3.5** A “grievance” is an issue raised by a member of staff where they feel the provision has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the Grievance Policy.

**3.6** For the purpose of this policy, “unreasonable complaints” include:

- Vexatious complaints:

- Are obsessive, persistent, harassing, prolific, repetitive
- Insist upon pursuing complaints that have no merit and/or unrealistic outcomes beyond all reason
- Insist upon pursuing complaints that have merit in an unreasonable manner
- Are designed to cause disruption or annoyance
- Demand for redress which lacks any serious purpose or value.

- Serial or persistent complaints:

- Are duplicated, sent by the same complainant once the initial complaint has been closed.

**3.7** Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’ meaning the complainant can complain about a separate issue if necessary.

**3.8** For the purpose of this policy, “duplicate complaints” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE

**3.9** Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

#### **4. Statutory Obligations**

**4.1** The complaints procedure must consist of at least three stages; informal (usually a meeting with the complainant); formal (the complaint is put in writing) and a panel hearing.

**4.2** Complainants must be aware that there is a complaints procedure. Copies of this policy are on Bounce Back AP's website and will also be available on request.

**4.3** If the complaint progresses to a hearing with the Board of Governors, the complainant must be allowed to attend and be accompanied if they wish. In addition, at least one member of the panel must be independent of the management and running of Bounce Back AP.

## **5. Policy Implementation**

**5.1** The Proprietor is responsible for ensuring this policy is implemented across the provision.

**5.2** Complainants should be aware that leadership may refer complaints received to the Proprietor/ Chair of Governors because they consider the matter is one of such a nature that it should be investigated independently of Bounce Back AP.

## **6. Dealing with Complaints**

**6.1** At each stage, the Investigating Officer will ensure that they:

- a) Clarify the nature of the complaint and any unresolved issues
- b) Clarify what the complainant feels would put things right
- c) Interview, meet or contact those involved in the matter and/or those complained of, allowing them to be accompanied at meetings if they wish
- d) Keep appropriate notes of any telephone discussions, meetings or interviews held.

## **7. Resolving Complaints**

The Investigating Officer will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- a) An acknowledgement that the complaint is valid in whole or in part and/or acknowledgment that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- b) An apology
- c) An explanation
- d) An admission that the situation could have been handled differently or better
- e) An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- f) An undertaking to recommend a review of the provisions procedures in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage.

## **8. Records**

**8.1** All complaints received must be recorded, including informal complaints.

- For complaints received by Bounce Back AP, the Proprietor is responsible for ensuring that staff record all complaints and their outcome.

**8.2** Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.

**8.3** The Proprietor will monitor the level and the subject matter of complaints and review the outcomes on a regular basis. The Proprietor will report regularly to the Board of Governors.

## **9. Making a Complaint**

**9.1** Complaints are not restricted to parents or carers of attending children and young people. Any person, including members of the public, may make a complaint about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures, this complaints policy will be used. See complaints not covered by this policy at section 10.

**9.2** Bounce Back AP will ensure the complaints procedure is:

- a) Easily accessible and publicised on the settings website
- b) Simple to understand and put into practice
- c) Impartial and fair to all parties involved
- d) Respectful of confidentiality duties
- e) Continuously under improvement, using information gathered during the procedure to Inform Bounce Back AP's senior leadership team
- f) Fairly investigated, by an independent person when necessary
- g) Used to address all issues to provide appropriate and effective responses where necessary

**9.3** Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

**9.4** Bounce Back AP upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside of term time will be considered to have been received on the first day after the holiday period.

**9.5** Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

**9.6** In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

**9.7** Complaints should be made using the appropriate channels of communication.

**9.8** All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

**9.9** A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

**9.10** Any complaint made against a member of staff will be initially dealt with by the Proprietor, and then by a committee including the Chair of Governors. Complaints escalated to or about the setting will be dealt with under section 21 of this policy.

**9.11** Any complaint made against the Proprietor shall be initially dealt with by a suitably skilled member of the Board of Governors and then by a committee of the Board of Governors.

**9.12** Any complaint made against the Chair of Governors or any other member of the Board should be made in writing to the Clerk to the Board of Governors.

**9.13** Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

**9.14** Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## **10. Complaints not covered by this procedure**

**10.1** This policy covers all complaints about any provision of community facilities or services by the setting, other than complaints that are dealt with under other statutory procedures, including those listed below:

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/school-discipline-exclusions">https://www.gov.uk/school-discipline-exclusions</a>
Whistleblowing	Bounce Back AP has a Whistleblowing Procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="https://www.education.gov.uk/contactus">https://www.education.gov.uk/contactus</a>  Volunteer staff who have concerns about the setting should complain through the complaints policy. You may also be able to complain direct to the local

	authority or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under Bounce Back AP's Grievance procedures.
Staff Conduct	Where appropriate, complaints about staff conduct will be dealt with under Bounce Back AP's Disciplinary procedures. 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.

**10.2** If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on Bounce Back AP's ability to adhere to the timescales within this policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, you will be informed of a proposed new timescale.

**10.3** If a complainant commences legal action against Bounce Back AP in relation to their complaint, consideration will be given as to whether to suspend the complaints policy until those legal proceedings have concluded.

## **11. Anonymous complaints**

**11.1** Anonymous complaints will not normally be considered. However, the Proprietor, will determine whether the complaint warrants an investigation.

## **12. Dealing with Complaints – Initial Concerns (Informal Stage)**

**12.1** It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.

**12.2** Within 15 term days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

**12.3** This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the individual delivering the service in the case of provision, will receive the first approach on an informal basis. Staff should meet with the complainant and attempt to resolve issues on the spot, including apologising where necessary. Should the complainant not be satisfied with the outcome at the informal stage they can escalate their complaint to Stage One of the formal procedure by putting their complaint in writing.

### **13. Exceptional Circumstances**

**13.1** The DfE expects complainants to have completed the complaints procedure before directing a complaint to them. The exceptions to this include when:

- a) Pupils are at risk of harm
- b) Pupils are missing education
- c) A complainant is being prevented from having their complaint progress through the complaints procedure

**13.2** If a social services authority decides to investigate a situation, the Proprietor or Board of Governors may postpone the complaints procedure.

**13.3** Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

### **14. Investigation**

**14.1** At each stage of the procedure, the Investigating Officer will ensure that they:

- a) Establish what has happened so far, and who has been involved
- b) Clarify the nature of the complaint and what remains unresolved
- c) Meet with the complainant or contacts them (if unsure or further information is required)
- d) Clarify what the complainant feels would put things right
- e) Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- f) Conduct the interview(s) with an open mind and is prepared to persist in the questioning
- g) Keep notes of the interview(s)
- h) Record interviews and ensure they are signed and dated by the individual as soon as they have been typed up

### **15. Time frames**

**15.1** It is the expectation of Bounce Back AP that all complaints are considered and resolved as quickly and efficiently as possible using the time frames published in this policy. However, where further investigations are necessary, new time frames can be set and will be communicated to the complainant with an explanation for the delay.

### **16. Formal Complaints – Stage One – Complaint heard by Staff Member**

**16.1** It is in the interest of all parties that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and Bounce Back AP can be crucial in determining whether the complaint will escalate. Staff will periodically be made aware of the procedures so that they know what to do when they receive a complaint.

**16.2** Parents/carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the child or young person or their opportunities at the setting. Bounce Back AP will investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve the service offered.

**16.3** Bounce Back AP will try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to the Proprietor who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the Proprietor, the complainant can be referred to the Chair of the Board of Governors.

**16.4** Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Proprietor may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

**16.5** Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage.

**16.6** The Investigating Officer will ensure that a written acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 working days. If the target cannot be met, a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

**16.7** The Investigating Officer will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint. This may include the complainant, staff and any other person.

**16.8** Once all of the facts have been established, the Investigating Officer will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

**16.9** A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate, this should also include what response Bounce Back AP will take to resolve the complaint. This may be by way of a general description i.e. "Action to be taken within the Disciplinary Policy".

**16.10** When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- a) There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- b) The concern was not substantiated by the evidence
- c) The concern was substantiated in part or in full. Some details may then be given of the action Bounce Back AP may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
- d) The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)

**16.11** This letter or report must be seen by the Proprietor. It should also inform the complainant that should they wish the complaint to progress to the second stage of this procedure then they should send a written request stating this to the Proprietor within 10 working days of receiving the response.

**16.12** If no further communication is received from the complainant within 10 working days, it is deemed that the complaint has been resolved and should end.

## **17. Formal Complaints – Stage Two – Complaint heard by Proprietor**

**17.1** If the complainant is dissatisfied with the way the complaint was handled at Stage One they may go to Stage Two and have the Proprietor hear the complaint. The Proprietor may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Proprietor, then at Stage Two the complaint will be heard by the Chair of Governors.

**17.2** The same timings and process as in Stage One will apply. If the complainant is not satisfied with the response at Stage Two, they can escalate their complaint to Stage Three.

## **18. Formal Complaints – Stage Three – Complaint heard by Board of Governors**

**18.1** The complainant needs to write to the Clerk to the Board of Governors as directed by the Proprietor, giving details of the complaint.

**18.2** The Chair of the Board of Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 10 working days of the date of the hearing to allow adequate time for the documents to be circulated.

**18.3** No person involved in Stage Three should have previous involvement in the complaint.

**18.4** The Board of Governors appeal hearing is the last provision based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.

**18.5** Individual complaints would not be heard by the whole Board of Governors at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

**18.6** The Board of Governors may nominate a number of governors with delegated authority to hear complaints at that stage (the Complaints Committee) and set out its terms of reference. These may include making recommendations on policy as a result of complaints.

**18.7** The Chair of the Board of Governors will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated governors. In this case, the panel may elect their own Chair.

The panel must consist of two governors and one member who is independent of the management and running of the setting.

## **19. The Remit of the Complaints Appeal Panel**

**19.1** The panel can:

- a) Uphold the complaint in whole or in part
- b) Decide on the appropriate action to be taken to resolve the complaint
- c) Recommend changes to the provisions systems or procedures to ensure that problems of a similar nature do not recur

**19.2** There are several points which any governor sitting on a Complaints Appeal Panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between Bounce Back AP and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible

**19.3** Bounce Back AP will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting no later than 5 working days in advance. The notification to the complainant should also inform them if the right to be accompanied to the meeting by a

friend / interpreter. The letter should explain how the meeting will be conducted. The Proprietor has the right to bring representation if so desired.

**19.4** Intervention of parallel investigations relevant to the complaint by the Police or Social Services may cause variation to these time scales. Any such variation will be notified in writing to the complainant.

## **20. Hearing the Complaint at the Meeting**

**20.1** The aim of the meeting will be to resolve the complaint and achieve reconciliation between the setting and the complainant. In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other party has time to consider and respond to the new evidence.

**20.2** The recommended conduct of the meeting is as follows:

- a) The Chair of the Panel will welcome the complainant, introduce the panel members and explain the procedure
- b) The Chair of the Panel will invite the complainant to explain the complaint
- c) The Panel Members may question the complainant about the complaint and the why it has been made
- d) The Proprietor will be invited to the Chair of the Panel to question the complainant about the complaint and why it has been made
- e) The Chair of the Panel will invite the Proprietor to make a statement in response to the complaint. At the discretion of the Chair of the Panel, the Proprietor may invite members of staff directly involved in the complaint to supplement their response
- f) The Panel Members may question the Proprietor and/or members of staff about the response to the complaint
- g) The Chair of the Panel will allow the complainant to question the Proprietor and/or members of staff about the response to the complaint
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Panel
- i) The Panel, the Proprietor and the complainant have the right to question any such witness
- j) The Proprietor will be invited by the Chair of the Panel to make a final statement
- k) The complainant will be invited by the Chair of the Panel to make a final statement
- l) The Chair of the Panel will explain to the complainant and the Proprietor that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the Panel will then ask all parties to leave except for members of the Panel
- m) The Panel will then consider the complaint and all the evidence presented

- n) The Panel will then reach a decision on the complaint and the reasons for it
- o) The Panel will decide upon the appropriate action to be taken to resolve the complaint
- p) The governors sitting on the Panel need to be aware of the complaints procedure prior to the meeting

**20.3** If the complainant remains unsatisfied, they may then take their complaint to the Education & Skills Funding Agency (ESFA) by using the online complaints form at [https://www.form.education.gov.uk/service/contact\\_the\\_Department\\_for\\_Education](https://www.form.education.gov.uk/service/contact_the_Department_for_Education) or by writing to them directly at ESFA – Academies Complaint and Customer Insight Unit, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

## **21. Roles and Responsibilities**

### **21.1 The Role of the Complainant**

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

- a) Co-operates with Bounce Back AP in seeking a resolution to the complaint
- b) Expresses the complaint in full as early as possible
- c) Responds promptly to requests for information, meetings or in agreeing the details of the complaint
- d) Asks for assistance as required
- e) Treats all those involved in the complaint with respect and courtesy

### **21.2 The Role of the Complaints Co-Ordinator**

A complaints co-ordinator will be assigned by Bounce Back AP (generally the Proprietor) and will:

- a) Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure
- b) Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000
- c) Keep up-to-date records throughout the procedure
- d) Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Principal, Clerk and Chair of Governors
- e) Be aware of issues with regard to sharing third party information
- f) Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

### **21.3 The Role of the Investigating Officer**

The investigator is involved in stages one and two of the procedure. Their role includes:

- a) Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved
- b) Considering all records, evidence and relevant information provided
- c) Interviewing all parties that are involved in the complaint, including staff and pupils
- d) Analysing all information in a comprehensive and fair manner
- e) Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem
- f) Identifying and recommending solutions and courses of actions to take
- g) Being mindful of timescales and ensuring all parties involved are aware of these timescales
- h) Responding to the complainant in a clear and understandable manner.

#### **21.4 The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- a) The remit of the Panel is explained to all parties and that each party has the opportunity of putting their case across without undue interruption
- b) The key issues are addressed
- c) Key finding of fact are made
- d) Parents/carers and others who may not be used to speaking at such a hearing are put at ease
- e) The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- f) The Panel is open minded and acts independently
- g) No member of the Panel has had any prior involvement in the procedure
- h) All parties are given the opportunity to state their case and ask questions
- i) Written material is seen by all parties

#### **21.5 Panel Members**

All panel members will be aware that:

- a) The review panel hearing is independent and impartial
- b) No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel
- c) The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved

d) Reconciliation between Bounce Back AP and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- a) Dismiss or uphold the complaint, in whole or in part
- b) Decide on appropriate action to be taken
- c) Recommend changes that the setting can make to prevent reoccurrence of the problem
- d) Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible
- e) When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

## **21.6 The Role of the Panel Clerk**

The panel clerk will:

- a) Continuously liaise with the Complaints Co-ordinator
- b) Record the proceedings
- c) Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved
- d) Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing
- e) Greet all parties as they arrive at the hearing
- f) Ensure that the minutes of the panel hearing are circulated
- g) Notify the relevant parties of the panel's decision and any other actions to be taken.

## **21.7 Checklist for a Panel Hearing**

The Panel needs to take the following points into account:

- a) The hearing is as informal as possible
- b) Witnesses are only required to attend for the part of the hearing in which they give their evidence. Children and young people may not appear as witnesses but they may provide statements
- c) After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- d) The Proprietor may question both the complainant and any witnesses after each has spoken

- e) The Proprietor is then invited to explain Bounce Back AP's actions and be followed by the settings witnesses
- f) The complainant may question both the Proprietor and any witnesses after each has spoken
- g) The Panel may ask questions at any point
- h) The complainant is then invited to sum up their complaint
- i) The Proprietor is then invited to sum up Bounce Back AP's actions and response to the complaint
- j) The Chair of the Panel explains that both parties will hear from the Panel within a set time scale
- k) Both parties leave together while the Panel decides on the issues

