

Complaints Procedure and Guidance

General Principles

Initial concerns

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints.

Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Framework of Principles

Our complaints procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be easily **accessible** and **publicised**;
- Be **simple** to understand and use;
- Be **impartial**;
- Be **non-adversarial**;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- Ensure a full and **fair** investigation by an independent person where necessary;
- Respect people's desire for **confidentiality**;
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Provide **information** to the SLT so that services can be improved.

Investigating Complaints

At each stage the person investigating the complaint will ensure that they:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interviews.

Resolving Complaints

At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review academy policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the academy could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, our complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Conduct of complainant

Parents or others visiting the academy must always act courteously and appropriately when dealing with staff members in accordance with the visitors' expectations document in reception and the 'Managing aggressive behaviour from parents and visitors to our Academy' Policy on our website and in reception. Failure to do so may result in the meeting being halted or adjourned

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay

Complaints Procedure

There are three stages to our complaints procedure:

- Stage 1 (informal) – a meeting with the complainant where the complaint is heard by a member of staff
- Stage 2 (formal) – a complaint is put in writing and heard by the Chair of Governors, or the Principal
- Stage 3 – complaint heard by a convened Complaints Panel

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.

Complaints about the Principal will be dealt with at the initial stage by the Chair of Governors.

An unsatisfied complainant can always take a complaint to the next stage.

The complaints procedure can be found following this policy guidance – Annex A.

Managing and Recording Complaints

Recording Complaints

We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Our complaint form can be found in Annex B. At the end of a meeting, or telephone call, the member of staff involved will try to ensure that the complainant and the academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

Governing body review

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the academy and the Governing body is a useful tool in evaluating our performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole Governing body will not name individuals.

Publicising the Procedure

There is a legal requirement for the complaints procedure to be publicised. As a Governing body we include details of our procedure in:

- Information given to new parents when their children join the academy;
- On our website.

Annex A

Complaints Procedure – The 3 Stages

Stage 1 (informal resolution): Complaint heard by a Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

Where staff meet with a parent or other person, they need to establish clearly whether they are dealing with a general or operational concern or question, or indeed a genuine complaint.

Where a parent or other person states they would like to make a complaint, the member of staff must ensure the parent is made aware of and receives a copy of this policy.

The member of staff hearing the complaint must ensure they report it, and the outcomes are forwarded to the Principal.

The ability to consider the complaint objectively and impartially is crucial. We will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Principal can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Principal, the complainant will be referred to the Chair of Governors.

A parent attending a meeting in school to discuss a complaint may be accompanied, if they wish.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The complainant may be dissatisfied with the way the complaint is handled at Stage 1 and may wish to pursue their initial complaint.

Time scale for Stage 1

Where a concern is raised, an initial response will be provided within 3 working days and a meeting, discussion or telephone call to discuss the concern will be arranged as necessary. Following the meeting/ discussion, the member of staff dealing with the complaint will make sure a response outlining the findings of any further follow-up is forwarded to the complainant **within 5 working days of the initial meeting.**

Stage 2 (formal resolution- written): Complaint heard by the Principal or Chair of Governors

The Principal's influence will already have shaped the way complaints are handled across the academy. If the complainant was dissatisfied with the way the complaint was handled at Stage

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1 by a member of staff the Principal will hear, and investigate, the complaint and make decisions on any action to be taken.

If the Principal has heard the complaint, at Stage 1, then the Chair of Governors will hear the complaint. The complainant will write to the Chair of Governors giving details of the complaint. This will be investigated and the Chair of Governors will write to the complainant.

Should the complainant still not be satisfied he/she may ask for the matter to be referred to Stage 3.

Time scale for stage 2

After Stage 1, the complainant may make a written complaint and should contact the academy. Within 3 working days of the receipt of a written complaint, an initial response will be given and a meeting will be arranged.

Following a meeting, the Principal will make sure a response outlining the findings of any further follow-up or investigation is forwarded to the complainant **within 10 working days of receipt of the written complaint.**

In the unlikely event the process needs to be extended beyond 10 days in order to gather further information, this will be communicated in the academy's response. A further date will be identified no more than 10 working days from the receipt of the written complaint.

Stage 3: Serious complaint heard by the Complaints Panel

Complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant must contact the Chair of Governors in writing, requesting a hearing of the complaint and outlining the procedures they have already followed. An initial response will be provided within 5 working days.

A panel of three Governors plus an independent panel member, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures;
- Hear individual complaints;
- Make one or more of the recommendations below as a result of complaints.

Reasonable notice will be provided. The panel hearing date will be set on a date no less than 15 days from the date of a meeting in which a hearing was agreed.

Remit of the Complaints Panel

The complaints panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;

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- Recommend changes to academy systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Panel members – points to remember

There are several points which any Governor or independent panel member sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors will ensure that it is a cross-section of the categories of Governors and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy 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 well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 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. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care will need to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities**The role of the clerk**

The clerk will be the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings and notify all parties of the panel's decision.

The role of the chair of the complaints panel

Is the ensure that:

- There is a check that the correct procedure has been followed;
- If a hearing is appropriate, that the clerk is notified to arrange the panel;
- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;

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- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions, written material is seen by all parties;
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;
- The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, including findings and recommendations. This will usually take place within five working days. Where relevant, a copy of this will also be sent to the person about whom the complaint was made;
- A copy of the panel findings/ report will also be made available on the school premises for the principal.

Checklist for the panel hearing

- The hearing is informal as possible;
- Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- The Principal may question both the complainant and the witnesses after each has spoken;
- The Principal is then invited to explain the academy's actions and be followed by the school's witnesses;
- The complainant may question both the principal and the witnesses after each has spoken;
- The panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Principal is then invited to sum up the academy's actions and response to the complaint;
- The chair of the panel explains that both parties will hear from the panel within five working days;
- All parties leave together while the panel decides on the issues.

Parents who are not satisfied about the handling of their complaint can contact the Department for Education via the schools complaints form. Please see link below:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Time scale for Stage 3

After receipt of the written request for a hearing, an initial response will be provided by the Chair of Governors within 5-10 working days and a pre-hearing meeting date agreed

The Principal or Chair of Governors dealing with the complaint will ensure a response outlining the findings of the hearing is forwarded to the complainant **within 5 working days of the hearing.**

Annex B

Formal written Complaint Form

In accordance with the complaints policy, this complaint form should be used when the complainant has already discussed the complaint with an appropriate staff member

Complainant Name:
Student Name:
Your relationship to the student:
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint:

Before submitting a formal written complaint, the complainant is required to discuss the complaint with an appropriate staff member (see policy).

What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

School use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

J. Beardmore 13-03-15