



School Complaints Policy and Procedure 2016

Policy Reviewed:	Spring Term 2016
Agreed by Governors	Spring Term 2016
Next Review	Spring Term 2017

Headteacher's Signature:

S Richards

Date:08.02.16

Chair of Governor's Signature:

D Haw

Date:08.02.16

School Complaints Procedure Spring Term 2016

General principles:

This procedure is intended to allow you to raise a complaint relating to the Academy or the service it provides.

The Academy's Complaints Procedure is designed to:-

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised
- Be simple to understand; impartial and non-adversarial;
- Allow for swift and timely handling and to keep people informed of the progress;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide effective response and appropriate redress, where necessary; and
- Provide information to the Academy's Governors and Senior Leadership Team so that services can be reviewed and if necessary improvements made.

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 with the complainant and what remains unresolved;
- Contact the complainant or meet with them (if unsure, or further information is necessary);
- Clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Keep notes of the interview

Resolving Complaints

At each stage in the procedure the Academy will consider ways to resolve a complaint and at all stages the complainant should be acknowledged and offered a full explanation of the issues and actions relating to their complaint. At each stage notes will be kept relating to complaints.

Unless there are exceptional circumstances, an anonymous complaint will not be investigated under this procedure.

To enable a proper investigation, complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the events will not be considered.

If the complaint is about the Head Teacher the complainant should contact the Chair of the Governing Body through the school office. If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

A Summary of Process of each stage of Complaint is at page 7.

Raising a complaint

Informal Stage

It is normally appropriate, in the first instance, to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment requested via the school office. Many concerns can be resolved by simple clarification or through the provision of information. It is anticipated that most complaints will be resolved by this informal stage.

If the Complainant feels that the complaint has not been resolved they need to make an appointment to speak to a senior member of staff. At this stage the complaint may be resolved through discussion.

NOTE: If the complaint is about the Head Teacher the complainant should contact the Chair of the Governing Body. If the complaint is about a member of staff it is referred to the Head Teacher to deal with. If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

Formal Stage – Stage 1

If the complaint is not resolved at the informal stage the complaint may be put in writing using the form provided and addressed to the senior member of staff, (as directed), who will be responsible for ensuring that it is investigated appropriately.

Details should be included which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that a clear statement of the actions that you would like the school to take to resolve your concern are included in the written complaint. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Senior Member of staff, or to the clerk to the governing body, as appropriate.

A written or oral acknowledgement will be provided to the complainant within 5 school days of receiving a written complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.

Arrangements will be made for the matter to be fully investigated, using the appropriate procedure. The member of staff carrying out the investigation will seek to meet or speak with relevant people in order to establish the facts relating to the complaint. This may include the complainant, staff and any other person.

Once all of the facts have been established a written response will be provided to the complainant, or the investigator may wish to meet the complainant to discuss/resolve the matter directly. The complainant may be accompanied by a friend or representative during a meeting with a member of staff

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 may also include what response the Academy will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.

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:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the Academy may be taking to review procedures etc but details of the investigation or of any disciplinary procedures will not be released.
- 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)

This letter should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Head Teacher within 10 school days of receiving the response.

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

Stage Two: Complaint Heard by Head Teacher

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to Stage 2 and have the Head Teacher hear the complaint. A complaint form will need to be submitted, in a sealed envelope, to the Office and addressed to the Head Teacher.

After Stage 2 if the complainant is still dissatisfied the process will move to Stage 3 and the complainant will be informed of the next stage, the formal stage of the procedure.

The same timings as in Stage 1 will apply

Stage Three: Complaint Heard by Governing Body Complaints Review Panel

If the complainant is not satisfied with the manner in which the process has been followed, they may request that the governing body reviews the process, followed by the academy, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

Any review of the process followed by the academy will be conducted by a panel of 3 committee members. This will usually take place within 10 school days of receipt of the request unless requested by the complainant to delay the meeting.

The Full Governing Body should only be informed that a complaint is being heard – details should be with-held to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures.

In all cases, following the Governing Body Complaints Review Panel hearing all relevant parties; the complainant, Academy, Head Teacher and where relevant, the person complained about, will be given a copy of any findings and recommendations.

Complaints Review Panel:

If the school receives a formal complaint about one of the limited number of matters that is not dealt with by any other statutory process, it may be necessary to convene a governing body review panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a governing body policy;
- school facilities;
- services that the school provides.

The clerk should convene a panel of 3 complaints committee members, who have not previously been involved with the complaint. One of the committee members must be independent of the leadership or management of the Academy. A procedure for the committee meeting will be agreed prior to the meeting.

The panel can:-

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint; and
- Recommend a review of the Academies systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any Governor or independent panel member sitting on the Complaints 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 or independent panel member may 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, the members need to be sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to 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 only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. The panel Chairperson 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. All disability requirements will be requested and where

practicable, met. Parents/carers may be accompanied to the panel hearing if they so wish.

- d. Extra care needs to be taken when the complainant is a pupil. Careful consideration of the atmosphere and proceedings will ensure that the pupil does not feel intimidated. The panel needs to be aware of the views of the pupil and give them equal consideration to those of adults. Where the pupil's parent/carer is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the pupil needs to attend.
- e. The Governing Body members sitting on the complaints appeal panel need to be aware of the complaints procedure.

The Complaints Review Panel should be serviced by a clerk who would be the contact point for the complainant and be 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;
- Respond to procedural questions from all parties;
- record the proceedings and safely archive all written records;
- notify all parties of the panel's decision and recommendation in writing; and
- ensure confidentiality of process and written materials.

The Chairperson of the Panel has a key role, to ensure that:

- the correct procedure has been followed;
- the clerk is notified to arrange a panel if a hearing is appropriate;
- 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;
- key findings of fact are made;
- parents/carers 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; and
- 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 Chairperson of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; the deadline being 10 days for a response to be received. The letter will also explain if there are any further rights of appeal to the Education Funding Agency.

The complainant should submit the details of their concerns, in writing, to the clerk on a Complaint Form. The clerk will seek similar written responses from the school, where this is necessary.

As the panel meeting is intended to be investigatory, rather than adversarial, if it is necessary for the complainant and the academy to give representation in person. Parents/Carers and or complainant will be invited to attend the review meeting and if they wish they may be accompanied by a friend or chosen representative, interpreters will be available on request. Prior to the meeting a procedure for the meeting will be considered and agreed by all parties to ensure a fair and impartial consideration of the complaint.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the Governing Body of the outcome, in writing.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, this is the last stage of the Complaints procedure.

The timescales will be the same as Formal Stage1 and Stage 2

Recording Complaints

A complaint may be made in person, by telephone, or in writing. A pro-forma complaint form is attached at page 10. At the end of a meeting or telephone call the member of staff should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone call should be kept and a copy of any written response added to the complaints records.

The designated complaints person is responsible for holding such records securely and confidentially. All correspondence statements and records must be held confidentially but shown to HMI, if requested, during inspection.

The Governing Body monitors the level and nature of complaints and reviews the outcomes on a regular basis to ensure effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals

Summary of the Process:

Complaint discussed with the member of staff concerned

- Issue resolved / Issue not resolved
- Parent, Carer and or Complainant may be accompanied at any meeting by a friend or representative and an interpreter will be available on request.

Complaint discussed with Line Manager

- Issue resolved / Issue not resolved
- Parent, Carer and or Complainant may be accompanied at any meeting by a friend or representative and an interpreter will be available on request.

Written complaint investigated by Line Manager

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation

- Issue resolved / Issue not resolved
- Parent, Carer and or Complainant may be accompanied at any meeting by a friend or representative and an interpreter will be available on request.

Written complaint investigated by Head Teacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Issue resolved / Issue not resolved
- Parent, Carer and or Complainant may be accompanied at any meeting by a friend or representative and an interpreter will be available on request.

Governors' complaints Committee meeting arranged

- Acknowledge receipt of complaint relating to the complaints process
- Issue letter inviting complainant to meeting if necessary
- Issue letter confirming decision
- Parent, Carer and or Complainant may be accompanied at any meeting by a friend or representative and an interpreter will be available on request.

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Further recourse following Stage 3

The decision of the Governor Complaints Review Committee is final, but under Section 496/497 of the Education Act 1996; complainants have the right of appeal to the Education Funding Agency www.GOV.uk on the grounds that:-

- A Governing Body is acting or proposing to act unreasonably; or
 - The Governing Body has failed to discharge its duties under the Act,
- The Education Funding Agency would not take action until the school procedures have been completed.

Publicising the Policy

There is a legal requirement, for the Complaints Policy and procedures to be publicised. The Academy Governing Body will publicise the policy in the following way:-

- The School Website
- The Governor's report to parents
- Information given to new parents when their children join the Academy
- Information given to children
- Newsletters

• **Additional Information for Governors, Parents and Staff**

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

We will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment the academy may take some, or all of the following steps as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Complaint form

Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:.....

Pupil's name:.....

Your relationship to the pupil:.....

Address:.....

.....Postcode:.....

Day time telephone number:.....

Evening telephone number:.....

Please give details of your complaint - What action, if any, have you already taken to resolve your complaint? (Who did you speak to and what was the response)?

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

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

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Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By whom:

Complaint referred to: