



# Complaints Procedure

For use by Parents and Members of the Public

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# Complaints Procedure

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# Complaints Procedure

## 1. Introduction

This procedure is for use for complaints against the academy, a member of staff or the governing body. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education.
- Appeals against admissions.
- Appeals against exclusions.
- Appeals about assessments and statements of special educational needs.
- Child protection allegations.

For further guidance on any of the above please contact the Principal

## 2. Overview

### 2.1 Dealing with Complaints: Informal Procedures

All parties must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

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 class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach.

### 2.2 Dealing with Complaints: Formal Procedures

Formal procedures will need to 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. **Such complaints should be made in writing to the Principal** by completing the attached form at **Appendix A**.

## 3. General Principles

### 3.1 Aims

The Complaints Procedure aims to:

- 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 academy leadership team so that services can be improved.

### **3.2 Investigating Complaints**

At each stage, the person investigating the complaint (the nominated person), should ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint, through a written statement, and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would resolve the issue;
- interview those involved in the matter and/or those complained of, with a colleague present or parent/carer in the case of a student.
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview, indicating whether they were resolved at preliminary stage or whether they proceeded to panel hearing.

### **3.3 Resolving Complaints**

At each stage in the procedure the nominated person will consider ways to resolve a complaint. 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 should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

### **3.4 General Points**

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

To allow for a proper investigation, complaints should be brought to the attention of the academy as soon as possible. Any matter raised more than 3 months after the event

being complained of will not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin within 5 college days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

### **3.4 Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. It should be noted that the decision of the appeal panel is final; and any vexatious complaints will not be investigated further, unless new evidence has come to light.

### **3.5 Managing and Recording Complaints**

An initial complaint may be made in person, by telephone, or in writing. Depending on the nature and/or seriousness of the complaint it may be appropriate to ask for the complaint to be put in writing immediately. If the complainant wishes to invoke the formal stage of the complaints procedure, they must complete the form at Appendix A. 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 calls should be kept and a copy of any written response added to the record.

The Office Manager should be responsible for the records and hold them centrally. The complaints, the stages used and the resolution should be recorded so that any obvious patterns can be dealt with appropriately.

All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI when they inspect.

### **3.6 Governing Body Review**

The Governing Body should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.

The process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the academy and the Governing Body can be a useful tool in evaluating the academy's performance.

## **4. Complaints Procedure**

### **4.1 Stage 1. Informal Stage: Complaint Heard by a Member of Staff**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many

concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. *[In the case of serious concerns it may be appropriate to address them directly to the Principal]* An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. *[Any dispute in relation to the “reasonableness” may be determined through the review process].*

## **4.2 Stage 2. Formal Stage**

If the complaint is not resolved at the informal stage **the complainant must put the complaint in writing and pass it to the Principal**, who will be responsible for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. The Principal or other member of staff nominated by the Principal should meet with the complainant to discuss his / her concerns within ten working days of receiving the complaint.

The Principal will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing, within ten working days of the meeting with the complainant, 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 is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of 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 are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the Principal is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Principal in handling the complaint. Any such request must be made in writing within 10 working days of receiving notice of the outcome from the Principal, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Stage 3 will be followed.

If the complainant considers that the Principal has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Principal. This will provide an opportunity for the evidence to support such a complaint to be investigated.

## **4.3 Complaints Relating to the Actions of the Principal**

### **4.3.1 Informal Stage**

The complainant is usually expected to arrange to speak directly with the Principal. *[In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body]* Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

### **4.3.2 Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is relevant to this complaints procedure, the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint. The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Principal will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Principal to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Principal may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Principal will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 10 working days of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

## **4.4 Review**

### **Stage 3: Complaint Heard by Governing Body's Complaint's Committee**

If the complainant is still dissatisfied with the outcome he/she should write to the Principal /Chair of Governors giving details of the complaint within ten working days of receipt of the decision letter. The Chair or another nominated governor will convene a Governing Body

Complaints Committee, if they consider it appropriate, after considering the report of the investigating officer.

The committee will consist of two governors and one person independent of the management and running of the school. The three people comprising the committee will not have been directly involved in the matters detailed in the complaint. The committee will be appointed by the Chair of Governors with the chair of the committee being appointed when they meet. The committee will convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold a hearing. The complainant may be accompanied at the hearing if they wish.

The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular Northern Education Trust and the Local Authority.

If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision to hold the meeting within five academy days. The chair of the complaints committee will ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 7 working days following the meeting.

If, after following the academy's own complaints procedure, the complainant is dissatisfied with the outcome, or if there are reasons why they cannot use that procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online **academy complaints form**.

## **4.5 Roles and Responsibilities**

### **The role of the clerk**

Any panel or group of Governors considering complaints should be clerked. The clerk 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;
- record the proceedings;
- notify all parties of the panel's decision.

### **The role of the Chair of the Governing Body or the nominated Governor**

The Nominated Governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to arrange the panel.



## **The role of the Chair of the Panel**

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

- 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 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.

## **4.6 Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing within 7 days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The Principal and where relevant, the person complained about will also be notified of the panel's decision.

## **5. Making a Complaint to the Department for Education**

**Making a complaint to the Department should only happen once all other routes have been followed.** The exception to this may be where there is a child protection concern, or where a child is missing education.

More information about making a complaint can be found on the DfE website:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain>

The complaint will be investigated by the EFA (Education Funding Agency). Generally the EFA can only look at complaints that fall into the following two areas:

1. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.
2. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

*If a complaint has been made by a number of parents and it is about whole school issues they may, at any stage of the procedure, ask the Chief Inspector of schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before he decides whether or not to investigate.*

Appendices

**Appendix A. Complaint Form**

Please complete and return to .....(Headteacher) 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 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:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **APPENDIX B: Procedure for the Complaints Governing Body Appeal Committee**

**The panel needs to take the following points into account:**

- The hearing is as 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 academy'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.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

APPENDIX C

Summary of Dealing with Complaints - General

