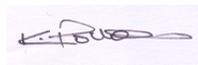


COMPLAINTS POLICY

2017-2019

Agreed by Governors Autumn Term 2017

Signed:



Chair of Children and Families Committee

Signed:



Headteacher



Application:

This policy applies to all concerns and complaints other than those relating to Child Protection issues or to cases where parents wish to appeal against a decision by the Headteacher that a student be required to leave the School and if the parents seek a Governors' Review of that decision. Separate procedures apply to each of these exceptional cases.

Timescales:

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the School is open. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and students periodically.

Policy Aim and Statement**Aim:**

The aim of this policy is to ensure that a concern or complaint by a parent (including a prospective parent) or other person deemed to be in a situation where the context is relevant and a complaint is appropriate and who is not a staff member, is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote adults' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter that may have gone wrong and, where necessary, reviewing our systems and procedures in the light of circumstances.

Policy statement:

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our school culture. We intend that adults and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at school. The policy, however, distinguishes between a concern or difficulty that can be resolved informally and a formal complaint, which will require investigation.

Stage 1: Concerns and Difficulties

1. Concerns: We expect that most concerns, where a parent or carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, the way a situation has been handled, about allocation responsibilities, or about some other aspect of the School's systems or equipment, or a billing error.

2. Notification: Please raise the concern initially as follows:

2.1 Education issues – if the matter relates to the classroom, the curriculum or special educational needs please contact the Team Leader, Deputy Headteacher or Headteacher as appropriate.

2.2 A member of staff - if the matter relates to conduct or a decision made by a member of staff please contact the Headteacher. In the case of a complaint about the Headteacher,

this should initially be with the Headteacher for an informal discussion to try to resolve the matter.

2.3 Pastoral care – for concerns relating to matters outside the classroom, please contact the Team Leader, Learning Mentor, Deputy Headteacher or Headteacher as appropriate.

2.4 Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it then, if not resolved, with the relevant Team Leader.

2.5 Financial and administrative matters – a query relating to fees or extras or to other administrative matters should be raised either with the School Manager for administration or a Business Manager for financial matters.

2.6 Should an informal concern or complaint be raised with a member of staff other than those designated at item 2.1 to 2.4 above, he or she is asked to redirect it to the appropriate individual under this policy.

3. Unresolved concerns: A concern that has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

4. Record of concerns: In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal complaints

5. Notification: An unresolved concern under Stage 1, or a complaint that needs investigation, or a more serious dissatisfaction with some aspect of the School's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details for the attention of the Headteacher. Should a formal written complaint be received by another member of the School's staff, they will immediately pass it to the Headteacher.

6. Acknowledgement: Your complaint will be acknowledged by telephone or in writing normally within five working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

7. Investigation and resolution: The Headteacher may deal with the matter personally or may ask a senior member of staff to act as "investigator" and/or may involve one or more Deputy Headteachers or Governors. The investigator may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Following appropriate investigation, the Headteacher will then notify you in writing of the decision and the reasons for it.

8. Outcome: The aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within one calendar month from the receipt of the complaint. Please note that any complaint received during a school holiday or within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.

9. Record of complaints. The Headteacher is responsible for keeping a log of all complaints received by or referred to them under this stage of the procedure. The log should provide a brief written summary of the name of the complainant, the date the complaint was received, the matter complained of, and the manner and date of its resolution. Written records will also be kept of any meetings and interviews held in relation to the complaint.

Stage 3: Reference to the Chair 10. Notification: If you are dissatisfied with the decision under Stage 2, your complaint may be renewed in writing to the Chair of the Governing Body and sent to the Clerk to Governors c/o The School Office. You should write to the Chair within five working days of receiving the decision. Your letter to the Chair should give full details of your complaint and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged within five working days during term time, indicating the action that is being taken and the likely timescale.

11. Action by the Chair: The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the Chair is satisfied that they have established all the material facts and relevant policies, so far as is practicable, they will notify you in writing of their decision and the reasons for it. They will aim to provide a response within fifteen working days of receiving your letter but will inform the parents if this timescale will need to be increased. If you are not satisfied with the Chair's decision you may ask for the complaint to be referred to the Review Panel, by writing to the Clerk to the Governors (see paragraph 16 below).

Stage 4: Reference to the Review Panel

12. Notification: Only if you have been through the earlier stages of this procedure, and are dissatisfied with the decision that has been notified to you by the Chair, may you request a final hearing by a Review Panel. To request a hearing before the Review Panel, please write to the Clerk to the Governors within five working days of the decision you wish to appeal. Your request will only be considered if you have completed the relevant procedures at Stages 1-3. Please ensure that copies of all relevant documents accompany your letter to the Clerk and state all the grounds for your complaint and the outcome that you desire. The Clerk will acknowledge your request in writing within five working days.

13. Review Panel: The review will be undertaken by a panel of at least three members appointed on behalf of the Governing Body and selected by the Clerk to the Governors. The Panel members will have no detailed previous knowledge of the case, will not include the Chair of Governors, and one member will be independent of the leadership and running of the School. Fair consideration will be given to any bona fide objection to a particular member of the Panel.

14. Convening the Panel: The Clerk to the Governors will convene the Review Panel as soon as is reasonably practicable but the Panel will not normally sit during School holidays.

15. Notice of hearing: Every effort will be made to enable the Panel hearing to take place within ten working days of the receipt of your request. As soon as reasonably practical and in any event at least five working days before the hearing, the Clerk to the Governors will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present.

16. Attendance: You will be asked to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend, who should not be legally qualified. The Clerk to the Governors or nominated person will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to the Governors at least three clear days prior to the hearing.

17. The Chair of the Review Panel will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and may take written statements into account.

18. Adjournment: The Chair may at their discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

19. Decision: After due consideration of the matters discussed at the hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within ten working days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be made available for inspection on the school premises by the Governing Body.

20. Confidentiality: A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to a panel hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request. Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 25(k) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.

Who to contact

Headteacher: Ms Elaine Gill
Chair of Governors: Mr Mark Tucker
Business Manager: Mr Lawrence May
Deputy Headteachers: Mrs Karen Pollock and Mrs Kate Lee
Clerk to the Governors: Mrs Chantal Bailey

Appendix 2**The Remit of the Complaints Appeal Panel**

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel may choose their own chair.

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;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points that any governor sitting on a 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 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, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. One member of the panel must be independent of the school leadership.

- 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 school 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 that 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. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. The people sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

It is essential that any panel or group of governors considering complaints 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.

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, with the panel's response; this is usually within a set deadline that is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

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 Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school'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.

Exempt Complaints

The following are exempt complaints:

- Complaints about matters outside of the Academy Trust's control
 - This means a complaint about the activities of persons or organisations not under the direct control of the Academy Trust (for example, complaints by one parent against another).
 - Complaints about decisions of the whole Board of Trustees
Decisions made by the Board of Trustees are not subject to review by Trust employees or individual trustees, and any dissatisfaction in respect of any such decision should be addressed to the whole Board of Trustees (c/o the Chair of Trustees). The Board will consider such representations at a duly convened meeting, but shall not be obliged to reconsider their decision.
 - Complaints about Trustees or Committees of Trustees acting under their delegated powers
This means a complaint about the activities of trustees or committees of trustees who are acting under the powers delegated to them by the Board of Trustees. These are subject to the Code of Conduct and other policies adopted by the Board, and subject to review by the full Board of Trustees; concerns in respect of such matters should be addressed to the Chair of Trustees (or the Vice Chair if the concern is in relation to the activities of the Chair), who will take such action within his/her powers as s/he considers to be appropriate.
- Complaints previously dealt with
This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new

information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

- Complaints in relation to which other procedures exist

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Trust's Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.)

- Complaints by a Persistent Complainant

This means a complaint which is substantially different from complaints previously received, but is submitted by a complainant who may be considered unreasonably persistent. A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as volume of correspondence, the effect on the Trust's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint.

Unacceptable Behaviour

- We will aim to deal fairly, honestly, consistently and appropriately with all complainants, including those who we consider to be persistent complainants. We believe that all complainants have the right to be heard, understood and respected. We also consider that our employees have the same rights.
- The school reserves the right to conclude an investigation without further involvement from the complainant, or choose not to conclude an investigation, if the complainant's behaviour is deemed unacceptable, e.g. aggressive.
- Where behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or pupils, we will consider reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Example of a Complaint Form



Please complete and return to The Clerk to the Governors 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: