



Complaints Procedure Policy

1. Introduction

This policy sets out the procedure to be applied whenever any complaint is made against a member of staff or an academy or the Trust. The complainant may be another member of staff, a student, a parent / career, a Governor or a member of the general public.

The procedure to be followed shall be compliant with the statutory regulations covering complaints – see Appendix B.

2. Time Scales

There shall be a time limit of ten working days within which each stage of the procedure shall be completed. However, when further investigations are necessary, new time limits can be set and the complainant shall be sent details of the new deadline and an explanation for the delay.

It is recognised that responding quickly to the initial contact helps de-escalate the situation. Where reasonable, initial contact should be made within 24 hours.

3. Investigating Complaints

At each stage, the person hearing the complaint shall ensure that they:

- make contact with complainant to establish the nature of complaint identifying what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- establish what the complainant feels would put things right;
- interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- allow the member of staff who is the object of a complaint to have a supporter (whether friend or Union colleague) present when they are being subjected to any part of the process; and
- keep contemporaneous and signed notes of the interview.

4. Resolving Complaints

At each stage in the procedure those involved should keep in mind ways in which a complaint can be resolved. It may 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 about, if substantiated, will not recur;
- an explanation of the steps that have already been taken or will be taken to ensure that if substantiated, it will not happen again;
- an undertaking to review the relevant Academy policies where necessary, 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. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

Those involved should identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

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 or not the complaint will escalate. To that end, if members of staff are made aware of the procedures, they know what to do when they receive a complaint.

The formal process should start at the appropriate level. Where the first approach for a complaint is made to a Local Governor or a Trustee, the next step should be to refer the complainant to the Principal. 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 of the procedure.

If the complaint relates to the conduct of a Vice Principal, it shall be heard by the Principal, and if the complaint relates to the conduct of the Principal, it shall be heard by a Trustee nominated by the Chair of Trustees, or in his/her absence, the Deputy Chair of the Board of Trustees.

5. Recording Complaints

Those involved shall record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff hearing the complaint ensured that the complainant and the Trust 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, which should then be passed to the senior local officer (ie the Principal in the case of an academy, the Chief Executive Officer in any other case) who will also be responsible for keeping all documentation associated with the complaint.

6. Stage One - Informal - Direct resolution

In most cases, it is anticipated that the member of staff who has been complained about will be able to resolve the initial concern informally, responding directly to the complainant with or without an intermediary, as appropriate.

Where a complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, the Principal/ Vice Principal can refer the complainant



to another staff member. Similarly, if the member of staff hearing the complaint feels too compromised to deal with a complaint, the Principal may consider referring the complainant to another staff member. This member of staff may be of similar experience, but does not have to be. The ability to consider the complaint objectively and impartially in order to make a decision about the outcome is crucial.

Where there is no such resolution the complaint should be dealt with formally and passed to the line manager or the year leader.

7. Stage Two – Formal complaint heard by Line Manager or Year Leader

The complaint shall be heard by the line manager of the person who is the subject of the complaint, or the relevant Year Leader if the complaint is of a more general nature relating to a student's welfare or academic progress.

The form in Appendix A should be completed and passed to the Vice Principal who will take on the role of Co-Ordinating Officer (as defined below). The Vice Principal will forward the form to the appropriate person. That person will then investigate the complaint following the procedure set out above.

If the matter is not resolved, it shall be escalated to Stage Three.

8. Stage Three – Complaint heard by Vice Principal

The Vice Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Vice-Principal will investigate the complaint following the procedure set out above.

If the matter is not resolved, it shall be escalated to Stage Four.

9. Stage Four – Complaint heard by the Principal

At this point, the complainant may be dissatisfied with the way the complaint was handled or the result of the investigation carried out at Stage Three by the Vice Principal. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Principal will investigate the complaint following the procedure set out above.

If the matter is not resolved, it shall be escalated to Stage Five.

10. Stage Five - Complaint heard by Local Governing Body Complaints Appeal Panel

Where the Principal has been unable to resolve the complaint s/he must refer it to the Local Governing Body. The complainant needs to write to the Chair of the Local Governing Body, summarising the complaint and explaining why they are appealing against the decision of the Principal. The Chair, or a nominated Governor, will convene a Complaints Appeal Panel.

The Complaints Appeal Panel is the last stage of the process; the Panel's decision is the Trust's final decision.

Individual complaints will not be heard by the whole Local 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. A Complaints Appeal Panel shall be quorate if it has at least three members including an independent person sitting on it; normally the Panel should include members of the Behaviour Sub-Committee.

11. The Remit of the Complaints Appeal Panel

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 which a complaints panel and its members need to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No one 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.
- 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 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. Extra care needs 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/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 child needs to attend.
- e. Those sitting on the panel need to be aware of the complaints procedure.
- f. Where a child is involved, the parents / carers must be allowed to accompany the child.
- g. The procedure must allow for correspondence, statements and records of complaints to be kept confidential.
- h. At least one member of the panel must be independent of the management and running of the academy. No Trust employee, no member of the Local Governing Body and no Trustee is classified as independent for the purposes of this Policy.

12. Roles & Responsibilities

Vice Principal Co-ordinator

The co-ordinator's role is to ensure that they take ownership of the complaint and ensure that the policy is properly adhered to.

Clerk



The Complaints Appeal Panel considering complaints must be clerked. The clerk will be the contact point for the complainant and be required to:

- set the date, time and venue for the hearing, ensuring that the dates are convenient for all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties 5 working days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings accurately;
- notify all parties of the panel's decision.

Chair of the Local Governing Body or the Nominated Governor

Upon receiving notice of an appeal, the Chair of the Local Governing Body or their nominee will check that the correct procedure has been followed and if a hearing is appropriate, notify the clerk to arrange the Appeal Panel.

Chair of the Complaint Appeal 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 to put their case without undue interruption;
- the issues of the complaint are addressed where possible;
- 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 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.

13. 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 five working days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

A complaint may be made to the Secretary of State for Education if a person believes that a Governing Body is acting "unreasonably", or is failing to carry out its statutory duties properly (see Sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the Governing Body has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

14. Vexatious or Repetitious Complaints

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.

15. Governing Body Review

The Complaints Co-ordinator will provide an anonymised report at Local Governing Body meetings and put in the Vice Principal's report for consideration by the Governing Body.

16. Other complaints

If the complaint relates to the conduct of a Local Governor, it shall be heard by the Chief Executive Officer in conjunction with Principal of the relevant Academy.

If the complaint relates to the conduct of a Trustee, it shall be heard by the Chair of the Trustees together with two other Trustees.

If the complaint relates to the conduct of a member of the Trust's Head Office, the role of Principal in the above process shall be replaced by that of the Chief Executive Officer.

17. Checklist of an Appeal Panel Hearing

The panel needs to take the following points into account:

- The hearing should be heard appropriately in relation to the Complaints Procedure and the roles and responsibilities defined in the procedure.
- 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 action and is 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 when the Principal has finished questioning the complainant and witnesses after each has spoken. The same procedure will also apply when the complainant has finished questioning the Principal and witnesses after each has spoken.
- 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 and are recalled to be given the oral decision which will be confirmed in writing within five working days.



Complaints Procedure

APPENDIX A

Formal complaint form

Academy:

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

Your Name:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint

In setting out your complaint, provide the facts as clearly as you can. In particular, give as much detail as you can about:

- a. date(s), time(s) and location(s). If you cannot remember the date(s) of the incident complained of, you should say so;
- b. the incident itself or, if there was more than one, each of them. If the incident(s) occurred over a period, you should say when the period ended or when the latest incident occurred;
- c. details of anyone who witnessed the incident(s);
- d. the effect that the incident(s) had on you or whoever was the wronged person; and
- e. any attempt you have made to resolve the matter (include whom you spoke to and what was the response).

If the complaint is about bullying and harassing you, it is important to name the people involved and any witnesses to the incidents, and say what effect the bullying / harassment had on the recipient.



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 whom:

Complaint referred to:

Date:



The Education (Independent School Standards) (England) Regulations 2010

Part 7

Manner in which complaints are to be handled

25. The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—

- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with subparagraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with subparagraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
 - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing;
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them; and
- (l) where the school provides accommodation, is drawn up having regard to Standard 5 of the National Minimum Standards for Boarding Schools or where applicable Standard 4 of the National Minimum Standards for Residential Special Schools.