

SANDYE PLACE ACADEMY Complaints Policy

Statement Document History

Issue	Date	Comment
1.00	05-05-2005	For approval by the Governing Body
1.00	11-05-2005	Approved by Governing Body
1.01	Sep 2008	Approved by Governing Body
1.02	Sept 2011	To be approved by the Governing Body
1.10	March 2013	Approved by Full Governing Body
1.20	June 2015	Ratified by Board of Trustees
1.30	December 2017	Ratified by Board of Trustees
1.40	July 2018	Ratified by Board of Trustees

Policy statement

The Academy's policy is to have an accessible and easily understood procedure for complaints. A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the Academy's work.

Objective

The objective of the policy is to:

- encourage parents and carers to express their concerns at the earliest opportunity, through the appropriate channels
- aid communication between parents and carers and the Academy
- reassure parents and carers and others with an interest in the Academy that any complaint against the Academy will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution.

The Academy recognises that a willingness to listen to questions and criticism and to respond positively can lead to improvements in Academy practices and provision for pupils.

Introduction

Governing bodies are required by law to have a policy and procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this must be publicised.

The Principal has responsibility for the day-to-day running of the Academy and so has responsibility for the implementation of its complaints system, including

the decision about his/her own involvement at various stages. One of the reasons for having various stages in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The Principal should make arrangements to ensure that his/her involvement will not predominate at every stage of a particular complaint. Therefore we have:

- Stage 1: First contact
- Stage 2: Formal complaints to the Principal
- Stage 3: Formal complaints to the Governors.

For example, arrangements may be made for other staff to deal with complainants' concerns at Stage 1, while the Principal deals with complainants' concerns at Stage 2. Even at that stage the Principal may designate another member of staff to collect some of the information from the various parties involved. In some cases the Principal may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

It is expected that the majority of complaints and concerns will be resolved informally. A complaint can be brought by a parent or carer of a registered child at the school or any person who has been provided with a service or a facility at the school. This procedure refers to anyone making a complaint as the 'complainant'.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further and should be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made.

A concern or unresolved problem becomes a complaint only when the complainant asserts that the Academy has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

Procedure

The procedure deals with specified day-to-day complaints against the management and/or operation of the Academy which fall outside the scope of any the following:

- complaints which have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, SEN assessments, Section 409 Curriculum Complaints and those covered by the Education (School Records) Regulations 1989.
- serious complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.
- parents or carers who are not satisfied with a Local Authority's decision about special educational needs (SEN) assessments may appeal to the SEN Tribunal.

This policy and procedure is not intended to cover those aspects of school life where the law sets specific complaints procedures i.e. the provision of collective worship and religious education.

Complaints may be made by telephone, e-mail, in person or be written.

Stage 1: The First Contact: Dealing with Concerns and Complaints Informally

- 1.1 If the person first contacted cannot deal with the matter immediately, s/he makes a clear note of the date, name, contact address or phone number and the issue raised.
- 1.2 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he will check later to make sure the referral has been successful.
- 1.3 Complaints made informally to governors will be referred to the Principal in the first instance or to the Chair, where appropriate.
- 1.4 On certain major issues, the Principal may decide to deal with concerns directly at this stage.
- 1.5 If the complaint relates to the Principal, the complainant is advised to contact the Chair of the Governing Body.
- 1.6 The person dealing with the concern makes sure that the claimant is clear what action (if any) or monitoring of the situation has been agreed. This should always be put in writing.

Where no satisfactory solution has been found, claimants are asked if they wish their concern to be considered further. If so they are given clear information, both

orally and in writing (see Appendix 1) about how to make a formal complaint and about any independent advice available to them.

Stage 2: Formal Complaint to the Principal

- 2.1 When a formal complaint is made, it will be acknowledged in writing within 3 working days.
- 2.2 The Principal (or designate) acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgment will include a brief explanation of the Academy's complaints procedure if this has not already been provided and a target date for providing a response to the complaint. This should normally be within 10 working days, but if this proves impossible a letter is sent explaining the reason for the delay and giving a revised target date.
- 2.3 The Principal (or designate) provides an opportunity for the complainant to meet with them to supplement any information provided previously. It will be made clear to the complainant that if they wish they may be accompanied to any meeting by a friend, relative, representative, or advocate who may speak on their behalf. They will also be asked if they have any special requirements the Academy needs to be aware of e.g. wheelchair access, signing etc.
- 2.4 If necessary, the Principal (or designate) should interview witnesses and take statements from those involved.

If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/carers present.

In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said they would prefer that parents or carers were not involved. In such circumstances another member of staff with whom the pupil feels comfortable should be asked to attend.

If a member of staff is complained against, the needs of that person should be taken account and all HR procedures followed accordingly.

- 2.5 The Principal (or designate) keeps written records of meetings, telephone conversations, and other documentation.
- 2.6 Once all the relevant facts have been established, the Principal (or designate) should then produce a written response to the complainant, or

he/she may wish to meet the complainant to discuss /resolve the matter directly.

- 2.7 A written response includes a full explanation of the decisions and the reasons for it. Where appropriate, this includes what action the Academy will take to resolve the complaint.

The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within 5 weeks of receiving the outcome letter.

- 2.8 If the complaint is against the action of the Principal, or if the Principal has been very closely involved at Stage 1, the Governors Complaints Panel should carry out all the Stage 2 procedures.

Stage 3: Formal Complaint to Governors

Complaints only rarely reach this formal level, but it is important that the governing body is prepared to deal with them appropriately when necessary. If this stage is reached the Academy should seek advice from their legal team. This can provide a useful "outside view" on the issues.

It is important that this review is not only independent and impartial but that it is seen to be so. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise. For example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some governors might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue.

Many complaints are inevitably seen by parents or carers as being "against" a particular member of staff and their actions. However, all complaints which reach this stage will have done so because the complainant has not been satisfied with the Principal's response at the earlier stage of the procedure and it may be appropriate for the Governing Body to consider that the complaint is against the Academy rather than against the member of staff whose actions led to the original complaint.

It may be necessary for the Governing Body to appoint reserves to the Panel to ensure that three governors are available to carry out their task within the set time.

The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the

Governing Body should chair the Panel; otherwise the Vice-Chair should do it. Generally it is not appropriate for the Principal to have a place on the panel. Governors will want to bear in mind the advantages of having a parent or carer, who is also a governor, on the Panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

The Panel should remember that many parents or carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.

The Academy should ensure that a copy of all correspondence and notes are kept on file in the Academy's records. These records should be kept separately from the pupil's personal records

When a written request for a complaint to proceed to Stage 3 is received, the procedures outlined below should be followed.

- 3.1 The Clerk to the Governing Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the Academy's Governing Body within 20 working days of receiving the complaint whenever practicable. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for them to be circulated to the members of the panel at least 5 days prior to the complaint being heard.
- 3.2 The Clerk to the Governors should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body.
- 3.3. The Chair/Vice-Chair will ensure that, whenever practicable the complaint is heard by the Panel within 20 working days of receiving the written complaint.

All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should provide a summary for circulation to the panel members prior to the complaint being heard.

- 3.4 At least 10 working days beforehand the Chair/Vice-Chair will write and inform the complainant, Principal, any relevant witnesses and members of the Panel of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a companion. The letter will also explain how the

meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

- 3.5 The Chair/Vice-Chair of the Governing Body should invite the Principal to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Principal may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Principal's report should be received by all concerned, including the complainant, at least 5 working days prior to the meeting. If this is not possible then the reason for delay should be explained and a revised timeline should be provided.

The involvement of staff other than the Principal is subject to the discretion of the Panel Chair.

- 3.6 It is the responsibility of the Panel Chair to ensure that the meeting is properly minuted and that all communications are treated with discretion and confidentiality.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other party has time to consider and respond to the new evidence.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

- 3.7 The meeting will allow for
- the complainant to explain their complaint
 - the Principal to explain the Academy's response
 - the Principal to question the complainant about the complaint
 - the complainant to question the Principal and/or other members of staff about the Academy's response
 - panel members to have the opportunity to question both the complainant and the Principal
 - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
 - final statements by both the complainant and the Principal.

- 3.8 The Panel Chair will explain to the complainant and the Principal that the panel will now consider its decision and a written decision will normally be

sent to both parties within 10 working days of the hearing having taken place.

The complainant, Principal, other members of staff and witnesses will then leave.

The panel will consider the complaint and all the evidence presented and:

- (a) reach a unanimous, or at least a majority, decision on the complaint
- (b) decide upon the appropriate action to be taken to resolve the complaint
- (c) where appropriate, suggest recommended changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again.

- 3.9 A written statement outlining the decision of the Panel must be sent to the complainant and Principal. The letter to the complainant should explain whether an appeal against the decision can be made, and if so, to whom.

Vexatious Complaints

There may be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Monitoring & Review

This policy and procedure is monitored and reviewed by the Academy's Operations Sub Committee and authorised by the full Governing Body.

Governors will invite the Principal to report on complaints received during the year. He/she will do this at a meeting of the full governing body at least once every twelve months or more frequently if required.

The policy and procedure will be reviewed as appropriate under changing circumstances and/or at least every three years.



APPENDIX 1

Outline of the Procedure for making a Formal Complaint

If your initial concerns have not been dealt with to your satisfaction you should write to the Principal, or to the Chair of Governors if your complaint concerns the Principal.

We will normally reply within 3 working days and the matter will be dealt with within 20 working days whenever this is practicable.

For Complaints addressed to the Principal

You will be invited to meet the Principal, or another member of the Senior Leadership Team, if you have any additional information you want to provide over and above that given when the complaint was considered initially.

You can bring a companion with you who may speak on your behalf if you wish. If you have any special requirements e.g. wheelchair access, signing etc, please let the Academy know in advance.

Once all the facts have been established and recorded, the Principal will prepare a written reply for you which will give a full explanation of the Academy's decision and the reasons for it. Where applicable it will also state what action the Academy will be taking to resolve the matter.

The Principal may decide to write to you or to meet you and discuss his/her findings.

If you are still not satisfied, then you should write to the Chair of the Governing Body c/o the Academy and the following procedure will be followed:

For Complaints addressed to the Chair of Governors

You will be expected to meet a panel of three governors and as before you may bring a companion with you.

The panel will have met with the Principal before you arrive and he/she will be invited to join the meeting after you have explained your complaint and had an opportunity to discuss it in detail with the panel.



When everyone is present, you, the Principal and the panel members will have the opportunity to ask questions of each other and to call witnesses where appropriate, subject to the approval of the Panel Chair.

The panel will then consider the complaint after the Principal and you have left and will normally provide you and the Academy with a written decision within 10 days of the meeting. If there is likely to be any delay in giving you this information you will be informed and a new timeline will be supplied.

APPENDIX 2

School Complaint Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Principal. [If your complaint is against the Principal you will need to send the form to the Chair of the Governing Body].

Your Name **Child's Name**

Address

..... **Postcode**

Phone No **Mobile phone**

What is your complaint about and what would you like the Principal to do?

Continue on a separate sheet as necessary

When did you discuss your concern/complaint with the appropriate member of staff?

Continue on a separate sheet as necessary

What was the result of the discussion?

Continue on a separate sheet as necessary

Signed: **Date:**