

Complaints Policy



Believe, Succeed, Together

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Contents

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|---|----|
| 1.0 Definition | 3 |
| 2.0 Complaints Coordinator | 3 |
| 3.0 Investigating Complaints - Informal Stage | 3 |
| 3.1 Resolving Complaints | 4 |
| 3.2 External Vexatious and/or Malicious Complaints | 4 |
| 3.3. Internal Vexatious and/or Malicious Complaints | 4 |
| 4.0 Investigating Complaints – Formal Stage | 5 |
| 4.1 Formal Procedure | 5 |
| 4.11 Referral to the Principal/Chair of Governors – Stage 1 | 5 |
| 4.12 Appeal to the Governing Body – Stage 2 | 5 |
| 4.13 Referral to EFA – Stage 3..... | 6 |
| 5.0 Governors’ Complaints Committee: Conduct of Hearing | 7 |
| 5.1 Order of Hearing | 7 |
| 5.1 The Decision..... | 7 |
| 6.0 Are there any exceptions to these complaints procedures? | 7 |
| Appendix 1 - Complaint Form | 8 |
| Appendix 2 – Letter of Invitation to a Governors’ Complaints Hearing | 9 |
| Appendix 3 – Letter sent to Parent after Governors’ Complaints Hearing..... | 11 |

1.0 Definition

A complaint is broadly defined as 'dissatisfaction about any aspect of a school's work'. However, schools and complainants need to be clear about the difference between a 'concern' and a 'complaint'. The underlying difference is that concerns ought to be handled, if at all possible, without the need for formal procedures.

Concerns and complaints may be communicated in writing, by telephone, or in person, and can be about any aspect of the Academy's work. They may be expressed by parents, carers, guardians, neighbours or anyone with an interest in the working of the Academy.

Where possible the majority of concerns/complaints should be dealt with satisfactorily by on an informal basis.

2.0 Complaints Coordinator

The nominated person for investigating complaints is the Vice Principal, Mr C. Niner. Their remit, in this regard, is to ensure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact 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;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

3.0 Investigating Complaints - Informal Stage

Many complaints can be resolved by giving the complainant the opportunity to discuss his/her concerns with an appropriate member of staff. The vast majority of complaints should be resolved at this stage.

The informal stage should be completed within **15** working days.

If the informal process has been exhausted and no satisfactory solution found, the complainant should be asked by the member of staff dealing with the issue whether he/she wishes the complaint to be considered formally.

3.1 Resolving Complaints

At each stage in the procedure the Academy will endeavour to try and resolve the complaint. In view of this, it may acknowledge that the complaint is valid, in whole or in part. In addition, it may 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; and/or
- an undertaking to review policies in light of the complaint.

At this stage the complainant should also be encouraged to state what actions they feel might resolve the problem. It is important to note that an admission that the Academy could have handled the situation better, is not the same as an admission of negligence.

Complainants should also be aware that if a complaint concerns the conduct of an employee, due to confidentiality laws protecting an employee's personnel file, the Academy may be limited in the detail of its response.

3.2 External Vexatious and/or Malicious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, 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 Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

3.3. Internal Vexatious and/or Malicious Complaints

The Academy is committed to achieving high standards of integrity and accountability and expects the same commitment from its employees and others working in or for the Academy. As such, the Academy wishes to promote an open environment that enables staff to raise issues in a constructive way, and with confidence that they will be acted upon appropriately without fear of recrimination, in accordance with the **Whistle-blowing Act 1988**. It is, however, important to state that in the event of any allegation being proved to be malicious, this could result in disciplinary action being taken against the complainant.

4.0 Investigating Complaints – Formal Stage

The formal procedure 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.

4.1 Formal Procedure

There are three stages to the formal procedure.

- Referral to the Principal for investigation. In the case of a complaint about the Principal, the referral should be to the Chair of Governors who should work in conjunction with the Complaints Coordinator to investigate the matter.
- Appeal to the Governing Body.
- Referral to the EFA.

4.11 Referral to the Principal/Chair of Governors – Stage 1

- The complainant is invited to put their complaint in writing or complete the form in **Appendix 1**.
- The Principal/Chair of Governors acknowledges the letter within **5** school days and provides an opportunity to meet the complainant to discuss the complaint.
- The Principal/Chair of Governors investigates the complaint and a written response is made within **15** school days of receipt of the complaint. If this is not possible a letter should be sent explaining the reason for the delay and providing a revised target date.
- The written response should include what action (if any) the Academy proposes to take to resolve the complaint or, if the complaint is not accepted, a full explanation as to why. The complainant should also be advised that if he/she is still not satisfied the next stage is an appeal to the Governing Body, which should be made in writing.

4.12 Appeal to the Governing Body – Stage 2

It is recommended that a panel of Governors (including an independent member) hear the complaint. Governors who have detailed prior knowledge of the complaint cannot be on this committee.

- A written acknowledgement of the complaint should be sent within **5** school days.
- This letter should inform the complainant that a committee of Governors, within **20** school days of receiving the complaint, would hear his/her complaint.
- The Chairperson of the Governors' Complaints Committee should invite the Principal and/or Complaints Coordinator to prepare a written report for the committee in response to the complaint.
- All relevant correspondence, including additional material from the complainant and the written report from the Principal should be given to each member of the

committee as soon as possible, and, in any event, at least **5** school days prior to the appeal. The Chairperson of the committee will inform the complainant, Principal and members of the panel at least 5 school days in advance of the date, time and venue for the meeting. (**Appendix 2**).

- Either party, subject to the approval of the Chairperson, may call witnesses to the Appeal.
- The complainant will be notified of the decision in writing and informed of the opportunity available to him/her to take the matter up with the EFA.

4.13 Referral to EFA – Stage 3

Academies operate independently of local authorities. If your complaint concerns an Academy, you will need to contact the Education Funding Agency (EFA).

Further details can be found by accessing the following link:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain>

5.0 Governors' Complaints Committee: Conduct of Hearing

- The aim of the hearing should be to resolve the complaint and achieve reconciliation between the Academy and the complainant.
- It is the responsibility of the committee to ensure the hearing is properly minuted.
- The complainant may be unused to dealing with groups of people in formal situations. It is recommended that the Chairperson ensures that the procedures are as informal as possible.
- In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting, so that the other side has time to consider and respond to the new evidence.

5.1 Order of Hearing

- Welcome and introduction by Chairperson of the Governors' Complaints Committee.
- Explanation of the procedure.
- Complainant presents the appeal.
- Questions to complainant by Governors and Principal.
- Principal responds to the complaint.
- Questions to the Principal and Governors.
- Summing up by the Principal.
- Summing up by the complainant.
- Concluding remarks by the Chairperson of the Governors' Complaints Committee and explanation of what happens next.
- The complainant and Principal are asked to leave.

5.1 The Decision

The committee can:

- uphold the complaint in full;
- uphold it in part; or
- dismiss it.

The complainant, the Principal and Chair of Governors will be informed in writing, within 5 school days of the hearing, and notified of the opportunity to take the matter up with the EFA.

6.0 Are there any exceptions to these complaints procedures?

The Complaints Policy cannot be used to address issues with admissions, exclusions, curriculum issues, SEN, RE, collective worship and Academy restructuring.

Appendix 1 - Complaint Form

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

| Complaint Form | |
|--|--|
| Pupil's name | |
| Your relationship to the pupil | |
| Address | |
| Telephone number | |
| E-mail address | |
| Nature of your complaint, including any actions you have taken to date | |
| Actions you feel may resolve the complaint | |
| Signature | |
| Date | |

Appendix 2 – Letter of Invitation to a Governors' Complaints Hearing

Address

Date

Dear Parent,

Please find enclosed all relevant information relating to the Governors' Complaints Committee hearing which will be convened on **date** at **time** in the **Conference Room** at the front of The Eastwood Academy.

You are welcome to attend the meeting together with a friend or representative. Those present at the meeting will include a panel of at least three Governors and the Principal.

Definition

A complaint is defined as '*dissatisfaction about any aspect of the school's work*'. Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of the Academy's work. They may be expressed by parents, carers, guardians, neighbours or anyone with an interest in the working of the Academy.

The majority of concerns/complaints can be dealt with satisfactorily by staff on an informal basis. Where this is not possible, the complaint should be addressed through a formal procedure which sequentially should begin with the Principal/Chair of Governors and then a panel of Governors.

General Principles

The following should be observed during the hearing:

- The aim of the hearing should be to resolve the complaint and achieve reconciliation between the Academy and the complainant.
- It is the responsibility of the committee to ensure the hearing is properly minuted.
- The complainant may be unused to dealing with groups of people in formal situations. It is recommended that the Chairperson ensures that the procedures are as informal as possible.
- In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

Order of Hearing

- Welcome and introduction by Chairperson of the Governors' Complaints Committee.
- Explanation of the procedure.
- Complainant presents the appeal.
- Questions to complainant by Governors and Principal.
- Principal responds to the complaint.
- Questions to Principal and Governors.
- Summing up by the Principal.
- Summing up by the complainant.
- Concluding remarks by the Chairperson of the Governors' Complaints Committee and explanation of what happens next.
- The complainant and Principal are asked to leave.

The Decision

The Committee can:

- uphold the complaint in full;
- uphold it in part; or
- dismiss it.

The complainant and the Principal will be informed in writing within **5** school days of the hearing (**Appendix 3**). If the complainant is not satisfied with the decision, the matter can be referred to the EFA.

Yours sincerely,

Clerk to the Governors (Company Secretary)

Appendix 3 – Letter sent to Parent after Governors’ Complaints Hearing

Address

Date

Dear Parent,

I am writing in relation to the Governors’ Complaint Hearing that was convened on **date**.

I can confirm that a panel of Governors and the Principalr were in attendance.

After careful consideration of the information provided by all parties, the panel have agreed to

- Uphold the complaint in full.
- Uphold it in part.
- Dismiss it.

Yours sincerely,

Clerk to the Governors (Company Secretary)