

<u>St. Michael's Academy</u>	Date signed off:	
	Complaints Procedure	Review date: July 2017

Complaints Procedure and Guidance

General Principles

Initial concerns

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints.

Formal procedures should only 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.

Framework of Principles

Our complaints procedure will:

- 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's senior management team so that services can be improved.

Investigating Complaints

At each stage the person investigating the complaint will 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;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interviews.

Resolving Complaints

At each stage in the procedure we will want to keep in mind ways in which a complaint can be resolved. 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 will be encouraged to state what actions they feel might resolve the problem. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, our complaints procedure is expected to 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 the Governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

However, should a complainant raise a completely separate/different complaint we will respond in accordance with this complaints procedure.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complainant will be informed about the expected timescales associated with dealing with the complaint. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay.

Formal complaints Procedure

There are three stages to our formal complaints procedure:

- Stage one – complaint heard by the Principal, or a member of staff.
- Stage two – complaint heard by the chair of governors, or the Principal
- Stage three – complaint heard by the governing body's complaints panel

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Principal after a meeting with the complainant.

Complaints about the Principal will be dealt with initially by the chair of governors.

An unsatisfied complainant can always take a complaint to the next stage.

The complaints procedure can be found following this policy guidance – Annex A.

Managing and Recording Complaints

Recording Complaints – We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Our complaint form can be found in Annex B. At the end of a meeting, or telephone call, the member of staff involved will try to 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 will be kept and a copy of any written response added to the record.

Governing body review – As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our Academy improvement. The monitoring and review of complaints by the Academy and
P:\Staff\Policies\STATUTORY POLICIES/Complaints Procedure and Guidance model policy 2012

the Governing body is a useful tool in evaluating our Academy's performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole governing body will not name individuals.

Publicising the Procedure – There is a legal requirement for the complaints procedure to be publicised. As a governing body we include details of our procedure in:

- Information given to new parents when their children join the Academy;
- On our website

Annex A

Complaints Procedure

The Three Stages

Stage One: Complaint heard by the Principal or Staff Member (Informal)

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 the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The Academy will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Principal can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Principal, the complainant will be referred to the chair of governors.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and to advise the complainant about the procedure for making a complaint. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The complainant may be dissatisfied with the way the complaint is handled at stage one and may wish to pursue their initial complaint.

Time scale for Stage 1

Where a concern is raised, an initial response will be provided within 3 working days and a meeting, discussion or telephone call to discuss the concern will be arranged as necessary. Following the meeting/ discussion, the member of staff dealing with the complaint will make sure a response outlining the findings of any further follow-up is forwarded to the complainant **within 5 working days of the initial meeting**

Stage Two: Complaint heard by the Principal or Chair of Governors (Formal)

The Principal's influence will already have shaped the way complaints are handled in the Academy. If the complainant was dissatisfied with the way the complaint was handled at stage one by a member of staff the Principal will hear, and investigate, the complaint and make decisions on any action to be taken.

If the Principal has heard the complaint, at stage one, then the chair of governors will hear the complaint. The complainant will write to the chair of governors giving details of the complaint. This will be investigated and the chair will write to the complainant.

Should the complainant still not be satisfied he/she may ask for the matter to be referred to stage three.

Time scale for stage 2

After Stage 1, the complainant may make a written complaint and should contact the academy. Within 3 working days of the receipt of a written complaint, an initial response will be given and a meeting will be arranged.

Following a meeting, the Principal will make sure a response outlining the findings of any further follow-up or investigation is forwarded to the complainant **within 10 working days of receipt of the written complaint.** In the unlikely event the process needs to be extended beyond 10 days in order to gather further information, this will be communicated in the academy's response. A further date will be identified no more than 10 working days from the receipt of the written complaint.

Stage Three: Complaint heard by the Complaints Panel (Formal)

Complaints would not be heard by the whole 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.

The complainant will need to write to the clerk to the board of governors giving details of the complaint and asking that it is put before the appeal panel. The

P:\Staff\Policies\STATUTORY POLICIES/Complaints Procedure and Guidance model policy 2012

chair, or if the chair has been involved at any previous stage in the process, a nominated governor, will convene a complaints panel.

The appeal hearing is the last stage of the school-based complaints process and is not convened merely to rubber-stamp previous decisions. Members of the panel will be drawn from the nominated members and will consist of three people and an independent panel member.. The panel will choose their own chair.

The panel of three governors and an independent panel member with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures;
- Hear individual complaints;
- Make one or more of the recommendations below as a result of complaints.

Remit of the Complaints Panel – the complaints panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the Academy's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

Panel members – points to remember – there are several point which any governor/independent panel member sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor will 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 will ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which will 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 well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 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.

- Extra care will need 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 is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities –

The role of the clerk – The clerk will be the contact point for the complainant and is 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 and notify all parties of the panel's decision.

The role of the chair of the complaints panel – is to ensure that:

- There is a check that the correct procedure has been followed;
- If a hearing is appropriate, that the clerk is notified to arrange the panel;
- 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
- The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within five working days.

Checklist for the panel hearing –

- The hearing is informal as possible,
- Witnesses are only required to attend for the part of the hearing in which they give their evidence,

- If the hearing is to meet with the parties individually –
- The panel will meet with the complainant and any witnesses, they will then leave;
- The panel will then meet with head teacher and any witnesses to hear the school's response to the complaint.
- After each meeting the chair will explain the time scales as to when all parties will hear from the panel.
- The panel decides on the issues.

- If the hearing is to meet with all parties concerned at the same time -
- 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,
- The chair of the panel explains that both parties will hear from the panel within five Academy days,
- All parties leave together while the panel decides on the issues.

Time scale for Stage 3

After receipt of the written request for a hearing, an initial response will be provided by the Chair of Governors within 5-10 working days and a pre-hearing meeting date agreed

The Principal or Chair of Governors dealing with the complaint will ensure a response outlining the findings of the hearing is forwarded to the complainant **within 5 working days of the hearing.**

Finally

If the complainant is still dissatisfied with the outcome of the complaints procedure the final stage of appeal is that they have the right to contact the EFA (Education Funding Agency). Complainants will need to be advised to write to the School Complaints Unit (SCU) at the DfE, 2nd floor, Piccadilly Gate, Manchester, M1 2WD.

P:\Staff\Policies\STATUTORY POLICIES/Complaints Procedure and Guidance model policy 2012

The DfE will make sure that the complainant has exhausted all the local procedures and will then examine if the complaints policy and any other relevant policies were followed. The department does not re-investigate the substance of the complaint. If breaches of policy or legislation are found the SCU will report them back to the school for action to be taken.

Following the outcome of stage 4 of this procedure, complaints regarding Academies may be considered by the Education Funding agency only in specific circumstances shown below:

The EFA can only look at complaints about academies that fall into the following areas.

a. 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

The EFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The EFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the EFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the EFA will ensure this is put right.

b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

One of the EFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The EFA will seek to resolve any concerns regarding potential or actual breaches of the funding

c. Where an academy has failed to comply with any other legal obligation.

Annex B

Academy Complaints Procedure Complaint Form

Your Name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime 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:
<u>Academy use</u> Date acknowledgement sent: By whom: Complaint referred to: Date: