

COMPLAINTS POLICY

Principles:

At Heart of England School we are committed to providing a first class education for all our students and to working closely with parents/carers and other stakeholders in a spirit of partnership. We hope to be able to resolve any conflict with parents/carers and other stakeholders without recourse to formal procedures but recognise that parents/carers and other stakeholders have the right to make formal complaints and to have these complaints taken seriously.

Purposes

- To encourage resolution of problems by informal means wherever possible
- To have a simple complaints procedure that is easily accessible
- To establish a system where complaints are examined in an impartial manner
- To be non-adversarial
- To allow swift handling of complaints with established time-limits for action, keeping people informed of progress
- To ensure a full and fair investigation by an independent person where necessary
- To respect people's desire for confidentiality
- To address all the points at issue and provide an effective response and appropriate redress, where necessary
- To provide information to the Governing Body so that services can be reviewed and improved where required

Guidelines

Dealing with Complaints

Any concerns or complaints relating to a safeguarding issue should be made immediately direct to the Designated Member of Staff (DMS).

Initial Concerns

We need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number 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. The requirement to have a complaints procedure does not in any way undermine efforts to resolve the concern informally. In most cases the achievement tutor, class teacher or the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary and appropriate.

Formal Complaint Procedures

It is in everyone's interests 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.

When initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further formal procedures will need to be invoked.

The member of staff with responsibility for the operation and management of the Academy complaints procedure is the Clerk to the Governing Body.

STAGE ONE: Complaint Heard by Staff Member

To initiate the formal complaint procedure the complaint has to be sent, in writing, to the Principal. The complainant should provide the following:

- relevant details of the complaint
- any actions they have already taken to try and resolve the complaint
- indicate what actions they feel might resolve the problem
- any supporting information

The Complaints Form contained in Appendix 1 may represent a useful starting point.

The Principal will appoint a member of senior staff to investigate the complaint made. The Academy will respect the views 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.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Principal may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the complaint concerns the Principal, the complainant should write directly to the Chair of Governors c/o the Clerk to the Governing Body who is based at the School see **STAGE THREE** of the procedure.

Where the first approach is made to a Governor he/she should refer the complainant to the Clerk to the Governing Body and advise them about the procedure. Governors must 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.

A written acknowledgement of the letter of complaint will be given within **5 working days** of its receipt. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response which should normally be within **10 working days**. If this target cannot be met, the complainant will be informed within 10 working days explaining the reason for the delay and providing a revised target date, and a record of this should be kept.

Investigating Complaints

At each stage the person investigating the complaint will make sure 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
- keep notes of the interview

Resolving Complaints

At each stage in the procedure the Academy will 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 sometimes 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 at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

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

Should the complainant feel that the matter has not been resolved following this process; the complaint will then be referred to Stage Two.

STAGE TWO: Complaint Heard by the Principal

The Principal's influence will already have shaped the way complaints are handled in the Academy. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint.

The Principal will examine the complaint in the manner outlined above taking account of what has already been done in STAGE ONE. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

A record of all communications will be kept.

A very serious complaint such as a personal injury should be reported directly to the Principal. If the complaint is against the Principal it should be reported directly to the Chair of Governors.

An investigation will take place as soon after the written complaint is received as is practicably possible and in no more than **10 working days**. The Principal will then make a decision regarding the case and will arrange a meeting with the complainant to try to resolve the issue which may involve other senior staff.

The result of the investigation will be communicated in writing to the complainant. The response will contain an outline of the complaint and the outcome of the investigation and any subsequent action. It will also inform the complainant that if they are not satisfied, to make representation to the Chair of Governors **within 25 working days**.

If no further communication is received from the complainant within 25 working days, it should be assumed that the complaint has been resolved and should subsequently be laid to rest. Paperwork relating to any concern or complaint will be kept on file for a period of 6 years.

STAGE THREE: Complaint Heard by Governing Body Complaints Appeal Panel

(i) Complaint Referred from STAGE TWO:

Where following the involvement of the Principal the complainant is still not satisfied, the complainant should write to the Chair of Governors, c/o The Clerk to the Governors, giving details of the complaint.

The Chair of Governors, or Vice-Chair, will convene a Complaints Appeal Panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy. The composition of the panel should as far as possible be sensitive to issues of race, gender and religious affiliations. No member of the panel should have any prior involvement in the complaint.

The complaint will be acknowledged by the Chair of Governors within **5 working days** informing the complainant that a panel of 3 Governors will sit within **20 days** to hear the complaint.

The Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

(ii) Complaint involves the Principal

Where the complaint involves the Principal, the complainant should write to the Chair of Governors, c/o The Clerk to the Governors, giving details of the complaint.

The Chair of Governors will acknowledge receipt of the complaint in writing within **5 working days** outlining the process of investigation. The Chair of Governors will either investigate the matter or nominate another Governor to undertake the investigation.

The investigation will normally take place over the next **10 school days**. Should more time be required the Chair will write to the complainant informing them of this stating the reasons why more time may be required.

Following completion of the investigation, the Chair will then either respond directly to the complainant with the findings of that investigation, or communicate to the complainant that it is necessary to ask an Appeal Panel to hear the complaint.

Complaints Appeal Panel

The Chair of Governors will write to the complainant informing them that a panel of 3 Governors will sit within **20 days** to hear the complaint. The letter should also explain that the complainant has the right to

submit further documents relevant to the complaint. These must be received at least **5 working days** before the date of the hearing to allow adequate time for the documents to be circulated all parties.

All relevant correspondence regarding the complaint should be distributed to each panel member **5 working days** before the hearing.

The Chair of the Panel, elected by the panel members, will write to inform the complainant, the Principal, any relevant witnesses, and members of the panel, at least 5 working days in advance 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 friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.

It is the responsibility of the Chair of the Complaints Appeals Panel to ensure that the meeting is properly minuted.

The Remit of the Complaints Appeal Panel

The panel has the authority to:

- 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any panel member needs to remember:

- 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 will try to ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- 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.
- The 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, and may choose to be accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.
- 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 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.

Roles and Responsibilities

The Role of the Clerk

The Governing Body Complaints Appeals Panel will be clerked. The Clerk will 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 Chair of the Governing Body or the Nominated Governor role will:

- 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/carers 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 **5 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.

Timescale for Making a Complaint

The School will not usually consider complaints made more than 12 months after the alleged matter has taken place. However the School is willing to consider exceptions to this time limit in special circumstances.

Vexatious Complaints

The complaints procedure will limit the number of complaints that become protracted. However, there may 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.

The School also has an 'Unreasonable/Vexatious Complainant Policy which outlines the actions that can be taken by the School in these circumstances.

Recording Complaints

The Academy will record the progress of the complaint and the final outcome. A formal complaint should be made in writing. A complaint form is included as an appendix.

The Clerk to the Governing Body is responsible for the records and will hold them centrally.

All correspondence, and statements and records of any complaint must be kept confidential but must be shown to HMI when they inspect. Copies must also be made available to the Registration Authority on request.

Complaints About Governors

The governors at Heart of England School are bound by the Code and Conduct for the Governing Body a copy of which is available on the School website or by request from the Clerk to the Governing Body.

Any complaints about the conduct of individual governors should be made in writing to the Chair of Governors detailing the grounds for complaint. The Chair of Governors will acknowledge receipt of the complaint within **5 working days** and will investigate the matter over the next **10 working days**.

Following completion of the investigation, the Chair will respond directly to the complainant with the findings of that investigation.

Complaints about the Chair of Governors should be made in writing to the Vice-Chair who will follow the same process as above.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, Academies may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Body can be a useful tool in evaluating an Academy's performance.

Appendix A

Formal Complaint form

Please complete and return to the (Clerk to the Governing Body) who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if applicable):
Your relationship to the student (if applicable):
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 at an informal level. (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:

Who by:

Complaint referred to:

Date: