



## **Complaints Policy**

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## Framework of principles

### School 21's Complaints Policy:

- applies to issues between **staff, staff and students**, and **staff and parents**
- encourages resolution of problems by **informal** means wherever possible
- is **accessible** and **publicised**
- is **simple** to understand and use
- is **impartial** and **non-adversarial**
- allows **swift** handling with established **time-limits** for action and keeping people informed of the progress
- ensures a full and **fair** investigation by an independent person where necessary
- respects people's desire for **confidentiality**
- addresses all the points and provides an **effective** response and **appropriate** redress, where necessary
- provides **information** to SLT and the Governing Body so that services can be improved

## General principles of complaints

- Concerns ought to be handled on an informal basis without the need for formal procedures, if at all possible
- If concerns cannot be resolved informally then the procedures under the Complaints Policy are followed
- Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints
- A complaint may be made in person, by telephone, or in writing and an unsatisfied complainant can always take a complaint to the next stage
- The requirement to have a Complaints Policy need not in any way undermine efforts to resolve the concern informally - it is helpful if those involved are able to resolve issues on the spot
- If the issue concerns alleged minor physical mishandling or verbal abuse, this will normally be dealt with in accordance with the procedures under the Complaints Policy
- More serious complaints are dealt with using the school's policy on Managing Allegations Against Staff

## Raising initial concerns via informal channels

### Students and parents:

- Talk to the member of staff concerned about the problem, which is often the quickest way to put things right. This may be a teacher (if it is a concern regarding a lesson), or, if relating to a pastoral matter, the child's class teacher (if in primary) or coach (if in middle, secondary or sixth form).
- It may be possible to talk the issue through on the phone, or arrange a convenient time to come into school. It is always best to make an appointment in advance, so that we can ensure that the person you wish to speak to is available and not teaching. Alternatively, if you are a student with

a complaint, please find the member of staff in school and speak to them directly if it's possible and appropriate or, for both parents and students, you can email the teacher on [first initial][surname]@school21.org.uk.

#### **Staff:**

- If a member of staff is experiencing concerns in relation to the work or behaviour of a colleague, then in the first instance, that person should discuss the matter informally with their colleague. This is the first and most appropriate action and will resolve most matters quickly and effectively.
- If the matter is not resolved, then either refer the matter on to the appropriate line manager who will take appropriate action (encouraging resolution of problems by **informal** means wherever possible).

## **Escalation - formal procedures**

Formal procedures will need to be used when initial informal attempts to resolve the issue are unsuccessful, where the person raising the concern remains dissatisfied and wishes to take the matter further, or alternatively, where the complainant makes a formal complaint from the outset.

Please see Appendix 1 for all information relating to the stages of complaints.

## **Investigating complaints**

At each stage, the person investigating a complaint should make sure that they:

- establish **what** is alleged to have happened so far and **who** is alleged to have been involved, and
- clarify the nature of the complaint and what remains unresolved, and
- meet with the complainant or contact them (if unsure or further information is necessary), and
- clarify what the complainant feels would put things right, and
- interview those allegedly involved in the matter and/or those complained about, allowing them to be accompanied if they wish, and
- conduct interviews with an open mind and be prepared to persist in the questioning, and
- keep notes of interviews and the investigation, and
- ensure that at the end of any interview or discussion, the complainant and the member of staff have the same understanding of what was discussed and agreed.

## **Resolving complaints**

At each stage in the process the person investigating the complaint will be considering ways in which a complaint might 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 school policies in light of the complaint

An effective investigation process will 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. An admission that the school could have handled the situation better is not an admission of negligence.

## Time limits

Complaints need to be considered, investigated and resolved as quickly and efficiently as possible. To this end therefore, the school will endeavour to acknowledge receipt of a complaint within 24 hours - in writing (by letter or email) or by phone.

For further time limits associated with each stage of the process, please refer to Appendix 1.

## Reporting complaints to the governing body

A summary of formal complaints should be reported back to the Governing Body each term. The normal channels for this will be through the governing body Committees to monitor the level and nature of complaints, to review the outcomes to ensure the effectiveness of the procedures within the Complaints Policy, and to recommend changes where necessary. This includes all formal letters to the school and/or Headteacher. These should be anonymised with issues and actions and presented as a table.

## Publicising the complaints policy

The Complaints Policy will be included in:

- The staff handbook
- The school's website

and it will also be available for staff and parents from the Headteacher's PA upon request.

## The remit of the governing body

The Chair of Governors 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 any Governors hearing a complaint need to remember:

- It is important that any meeting conducted is, and is seen to be, independent and impartial.
- Governors need to be sensitive to the issues of race, gender and religious affiliation.

- The aim of any hearing(s), which need(s) to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
- 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 in order to satisfy the complainant that his or her complaint has been taken seriously.
- Governors will recognise and 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 Chair of any meeting / hearing will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child.
- Governors need to be aware of the views of the child and give them equal consideration to those of adults.
- Governors need to be aware of the procedures under the Complaints Policy.

## Roles and responsibilities

### The role of the Clerk

All meetings in which members of the Governing Body are considering complaints should be clerked. The clerk should 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 to all attendees
- **Collate any written material** and send it to the parties in advance of the meeting
- **Meet and welcome** the parties as they arrive at the meeting / hearing
- **Record the proceedings**
- **Notify** all parties of the Governors' **decisions and actions**

### The role of the Chair of the Governing Body

A meeting / hearing may be chaired by the Chair of Governors, or by an individual member of the Governing Body nominated to do so (the "Nominated Governor"). The Chair of Governors or the Nominated Governor is responsible for ensuring:

- The correct procedure has been followed.
- If a meeting is appropriate, that the clerk is notified to make the necessary arrangements and notify all parties.
- The remit of the Governors is explained to the parties and each party has the opportunity of putting their case without undue interruption and to ask questions.
- The issues are addressed and that key findings of fact are made.
- Parents and others who may not be used to speaking at such a meeting are put at ease.
- The meeting is conducted in an informal manner with each party treating the other with respect and courtesy.
- The Governors in attendance are open-minded and acting independently.
- No Governor has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Written material is seen by all parties.

In the event that a new issue comes to light during the process, all parties should be given the opportunity to consider and comment upon it.

## **Notification of the Governors' decision**

The Chair of Governors, or the Nominated Governor, needs to ensure that the complainant is notified of the Governors' decision in writing.

## **Guidance for the conduct of a Governors meeting to consider a complaint**

- The meeting should make everyone feel as comfortable as possible.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- Any witnesses are only required to attend for the part of the meeting in which they give their evidence, after which they should retire.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- Governors may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The Chair of Governors or Nominated Governor then draws the formal hearing to a close and the Chair explains that both parties will hear from the Governors within a specific timeframe.
- Both parties then retire and leave the hearing, whilst the Governors review the proceedings and consider their decision in private.

## **Monitoring and evaluation**

The policy and procedures will also be updated whenever necessary as a result of outcomes from consultations and/or in response to particular situations that have arisen.

See also:

- School 21 document 'Managing Allegations Against Staff Policy'
- School 21 Safeguarding and Child Protection Policy
- School 21 Restraint Policy

## Appendix 1

### Stage 1 - Investigation by a member of staff.

This will be used when informal attempts to resolve a concern have been unsuccessful.

Procedure	Timeframe	Outcome
An appropriate member of staff, usually head of a department, phase leader or head of a year group, will investigate the complaint. S/he will arrange to meet the complainant if necessary. Every attempt will continue to be made to resolve the complaint.	Generally, the school will investigate a Stage 1 complaint within 15 working days. If the investigation implies a need for a longer period, the complainant will be informed accordingly.	The complainant will be advised of the outcome of the investigation and of any action to be taken, if appropriate. The outcome of the investigation may be communicated orally or in writing.

### Stage 2 - Investigation by the Headteacher or member of the senior leadership team (SLT) delegated to carry out an investigation by the Headteacher.

This will be used if a complainant believes that attempts to resolve a complaint at Stage 1 have been unsuccessful.

Procedure	Timeframe	Outcome
The complainant should explain in writing to the Headteacher why s/he does not believe the complaint has been resolved satisfactorily under Stage 1 of the Procedure. The communication from the complainant must make clear the nature of the complaint and how it has affected the complainant.  It must also note the evidence offered in support of the complaint and include an indication of the desired outcome if the complaint is upheld.	The Headteacher will respond to the letter of complaint in writing, wherever possible within 5 working day of receipt. The Headteacher or a senior manager to whom the task has been delegated will investigate a Stage 2 complaint, wherever possible, within 15 working days. If the investigation implies a need for a longer period the complainant will be informed accordingly.	The aim of the investigation will be to seek to resolve the complaint, regardless of whether the complaint itself is found to be fully justified, partly justified or unfounded.  Where a complaint is found to be partly or fully justified, the feedback will include an apology and reference to any steps that School 21 will take to improve systems or procedures in light of the outcome of the investigation.  The complainant will receive feedback on the outcome of the investigation in writing.

### Stage 3 - Investigation by the Governing Body Complaints' Committee

If the complainant is not satisfied with the response of the Headteacher or the Headteacher's appointed person, s/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise at least three people who have not previously been directly involved in the matter including one person who is independent of the management and running of the Academy.

NB If the complaint is about the Headteacher, the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within 10 school days. The Chair will send a copy of the Headteacher's response to the complainant and the parent/carer will be asked to indicate within 5 school days of receipt of the response whether s/he is satisfied that the response addresses the complaint that has been made. If parent/carer is not satisfied that it does so, s/he should progress the matter under Stage 3\*, as summarised below.

Procedure	Timeframe	Outcome
The complainant should write to the Governing Body (via the Clerk to the Governing Body) explaining why s/he does not believe the complaint has been resolved satisfactorily under Stage 2 of the Procedure.	Generally, the letter of complaint from the complainant will be acknowledged in writing within 5 working days of receipt.  At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.	Where a complaint is found to be partly or fully justified, the feedback will include an apology and reference to any steps that the Governing Body will require School 21 to take to improve systems or procedures in light of the outcome of the investigation.
The Clerk will invite the Academy to put in writing its response to the complainant's reasons. The Clerk will convene a meeting of the Governing Body Complaints Committee.	The Governing Body will seek to investigate a Stage 3 complaint as soon as practicable or within 25 working days (which includes allowing 15 working days for the school to put forward a response). If the investigation implies a need for a longer period, the complainant will be informed accordingly.	The complainant will receive feedback on the outcome of the investigation in writing.