

Top Valley Academy

Complaints Policy

Approved by Governing Body 23 June 2015

Key Messages

Part 1: General Principles of Complaints

Dealing with complaints – Initial concerns

1. Academies need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the 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.

Dealing with Complaints – Formal procedures

3. 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. The member of staff with responsibility for the operation and management of the Academy complaints procedure is the Headteacher (unless the complaint is about the Headteacher and then this responsibility is transferred to another member of the SMT/Governing Body).

Framework of Principles

5. The 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

6. At each stage, the person investigating the complaint makes 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 about specifics 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

7. At each stage in the procedure the Academy 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.
8. It would be useful if complainants were 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.
9. 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.

Vexatious Complaints

10. If properly followed, the 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 the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

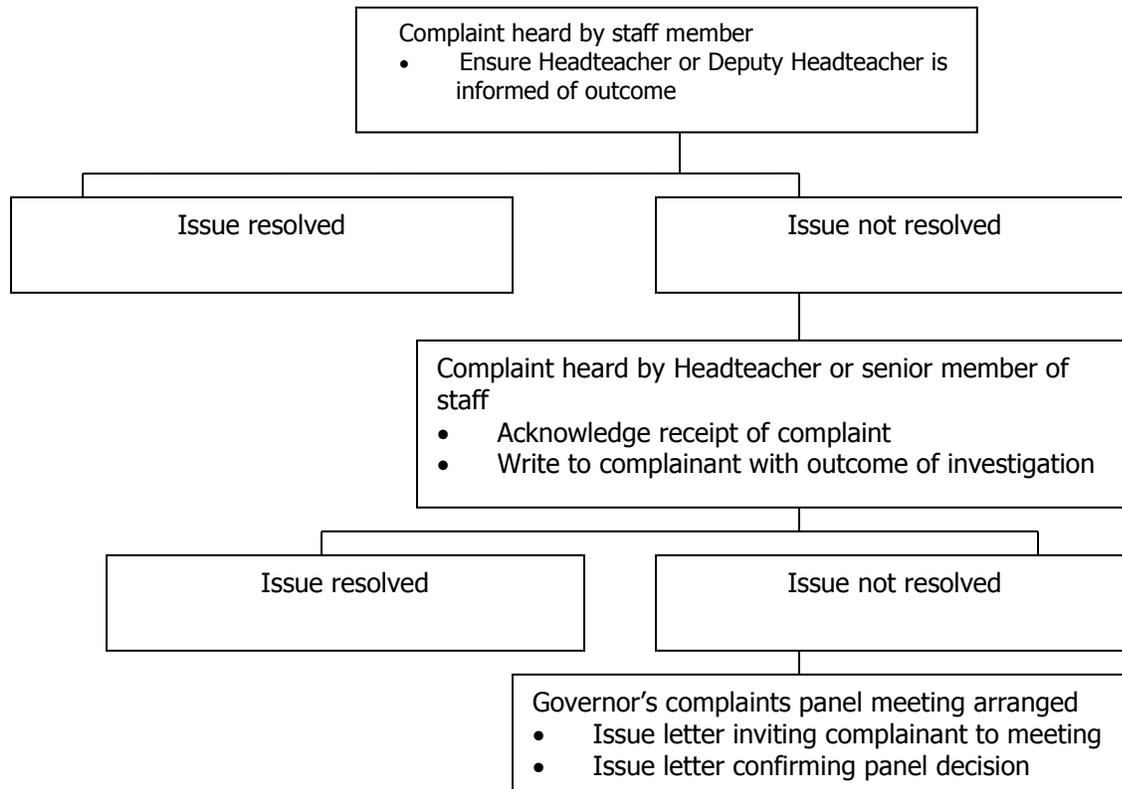
11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage are set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure – General

Flowchart

Summary of Dealing with Complaints

The Stages of Complaints



12. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. 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 Headteacher after a meeting with the complainant.

The Process to Follow

Stage 1: Complaint heard by staff member (though not the subject of the complaint);

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, all staff should be aware of the procedures so they know what to do when they receive a complaint.

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 Headteacher can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher 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 first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if Governors did 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.

Guidance for parents: Contact your child's Form Tutor or Head of Year by telephone or letter. Most situations can be resolved by these people and acted upon quickly.

Stage 2: Complaint heard by Headteacher;

The complainant should be asked to confirm their complaint in writing to the Headteacher (or the Chair of Governors if it is about the Headteacher) and the Academy should acknowledge it in writing no longer than the day after its receipt. Normally, this reply will include a response to the complaint. In some incidences it may not be possible to provide a full response. In these cases the Headteacher will let the complainant know when he or she can expect a full reply.

An investigation will be conducted by the Headteacher, senior staff or the Chair of Governors if it is appropriate.

Some complainants may indicate that they have particular difficulties in writing their complaint. In these circumstances, they should be able to provide details of the complaint using another means, perhaps over the phone or by face to face interview.

The Headteacher (or Chair) should reply to the complainant within 3 'school' weeks. In some instances, it may not be possible to do this. In these cases, the Headteacher should provide an interim or holding response that lets the complainant know when he/she can expect a full reply.

The Headteacher'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 1 as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Guidance for parents unsatisfied at Stage 1: Parents or carers with concerns that have not been resolved should raise the matter as soon as possible.

If you do not feel there is a satisfactory conclusion however then you need to contact the Headteacher and send a copy of your letter to the Chair of Governors if you wish.

Stage 3: Complaint heard by Governing Body's appeal panel;

The complainant should only make a complaint to the Governing Body once they have:

- Tried to resolve the complaint by the approaches to the Academy described in Stages 1 and 2.
- Allowed the Academy a reasonable time to investigate the manner (normally no more than 3 'school' weeks).
- Accepted any reasonable offer by the Academy to discuss the result of the investigation.
- Taken part in any process of mediation offered by the Academy.
- Put the complaint in writing (within 2 months of the event).

The complainant should write to, phone or request a face to face appointment with the Governing Body at the Academy asking them to consider his/her complaint. He/She should enclose a copy of the written complaint made at an earlier stage, as well as details of issues he/she believes remain unresolved. He/she cannot add further complaints at this stage.

The Governors will consider the complaint and make a decision on the basis of the papers that they receive. However, if they feel that they need more details to make their decision, they can contact any of the parties concerned for more information.

The Governors will reply in writing to the complaint within 3 Academy weeks of receiving it. In some instances, this may not be possible. In these cases, the panel should provide an interim or holding response that lets the complainant know when he/she can expect a full response.

In the full reply to the complaint the Governors will state whether or not they uphold the complaint, in full or in part. If they do, they will make recommendations for action. If the Governors decide to recommend no action they will give reasons for their decisions.

The Governors will pass a copy of all the papers relating to the complaint to the Headteacher. A further set should be sent to the Central Academy Trust (CAT) (who has a right to see all the paperwork). CAT has the right to have a representative present at any complaints panel meeting. This right may be exercised by making appropriate arrangements with the Chair of the complaints panel.

Guidance for parents unsatisfied at Stage 2: The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated Governor, will convene a Governing Body complaints panel.

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

Individual 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 Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- Drawing up its procedures;
- Hearing individual appeals;
- Making recommendations on policy as a result of complaints.

The Remit of the Complaints Appeal Panel

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

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

There are several points which any Governor sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on a 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 need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.

- b) 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 that 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.
- c) 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 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.
- d) The Governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Local Authority strongly recommends that any panel or group of Governors considering complaints needs to be clerked. The clerk would 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 nominated Governor role:

- 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 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.
- Check that the correct procedure has been followed.

Checklist for a Panel Hearing:

- The hearing is an informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their

- witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

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 a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Stage 4: Further Appeal under Section 409 of the Education Act 1996.

If the complainant wishes to pursue the matter, the local authority will only consider the case if it is believed to be relevant under section 409 of the Education Act 1996. The local authority has a statutory duty to consider a relevant complaint about the curriculum that has not been resolved by the Governing Body. The complainant must make his/her request in writing to the Academy Trust. The request must be received within 15 days of the date of the letter from the complaints panel giving their decision on the complaint. It may be difficult to agree whether a complex complaint is subject to the statutory arrangements for curriculum complaints. Therefore, the Academy Trust will take the advice of their Legal Advisors on whether or not to consider the complaint.

Stage 5: Final Stage of Appeal

If the complainant wishes to purchase the complaint he/she can contact the Local Government Ombudsman or the Secretary of State for Education and Employment to find out if it is one they will pursue. The Academy Trust will provide complainants with advice on the procedure to follow in these cases.

Part 3 *Governing Body Review*

13. The Governing Body can 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. Preferably, complaints information shared with the whole Governing Body will not name individuals.

14. 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 a Academy's performance.

Publicising the Procedure

15. There is a legal requirement for the Complaints Procedure to be publicised. This will be included in:-
 - The Governors' report to parents;
 - Home Academy bulletins or newsletters;
 - The Academy website.