



## Complaints Procedure

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# Complaints Procedure

## Procedures for dealing with complaints

### Raising a concern

Concerns can be raised with the Academy at any time and will often generate discussions that will resolve the concern. The Academy requests that parents make their first contact with the student's Head of House (if it is related to pastoral matters) or the teacher/Head of Faculty (if the concern is subject related).

It is important for parents to recognise that the Academy is a busy organisation and that whilst we will do our best, it may not be possible to respond immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response whilst this is taking place. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are still not satisfied, please write to or call the Academy to make us aware of your concern. The Academy will then look at your concern further.

### Complaint heard by an appropriate staff member

If you feel that your concern has not been adequately dealt with by the Academy, you can make a formal complaint. Complaints should be put in writing and addressed to the Head of School or an appropriate senior member of staff. The complaint will be logged, including the date it was received. The Academy will acknowledge receipt of the complaint and will attempt where possible to resolve the issue as soon as possible, normally within four working weeks. Alternatively, a meeting may be convened to discuss the matter further.

### Complaint heard by the Chair of Governors

If you are still not satisfied, then you will need to write to the Chair of Governors, c/o the Academy, giving details of the complaint. The Chair will, where possible, resolve the issue with the complainant as soon as possible, normally within four working weeks. In some exceptional cases or the Chair may decide to convene a complaints panel (further details of the procedures are available from the academy on request). The aim of this hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing within three working days after the date of the hearing.

## **Guidance on Complaints Panel**

### **Panel Hearing**

The aim of the hearing, which needs to be held in private, will 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 letter will also contain what you need to do if you wish to take the matter further.

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 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.

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.

### **The Role of the Clerk**

The clerk is 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.

### **Before the meeting:**

- The formal complaints letter should be passed to the Vice-Chair if the Chair will be unable to receive the letter within 5 days
- Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel
- The letter inviting the parent to attend should indicate that they may be accompanied by a friend

### **At the meeting:**

- The Complaints Panel must be made up of at least three members and a clerk
- One member of the panel must be completely independent from the Academy
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and the parent to be put at ease
- Everyone attending should be in the room at the same time
- The clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process
- The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance
- People present should introduce themselves stating their reason for being at the meeting.
- The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view
- The Chair of the Governors' Complaints Panel should request a verbal statement from the Principal (or representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view
- Members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them
- The Chair of the Governors' Complaints Panel must ask the complainant and the Principal (or representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing

- When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk

### **After the meeting:**

- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- The Governors' Complaints Panel members discuss the issues in private and the clerk remains to record the decision. 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.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten working days of the panel meeting. The letter will also contain what the complainant need to do if you wish to take the matter further although it should be noted that if the correct procedure has been followed, the decision of the Governor's Complaints Panel is final.
- A record should be kept of the outcome of the hearing.
- Written records of complaints will be kept and reported on an annual basis to Governors.

### **Vexatious 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 the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Summary of Procedure and Agenda**

- 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 Principal or Head of School may question both the complainant and the witnesses after each has spoken.
- The Principal of Head of School 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 or Head of School 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.

### **Guidance Notes for Clerk to Complaints Panel Hearing**

#### **Invitations:**

- Parent (who may be accompanied)
- Chair of Governors Complaints Panel (TBC)
- Co-Vice Chair in absence
- An additional Governor
- Principal (or Vice Principal in case of absence)
- Independent member of the panel

NB. Letters should indicate date and time of learning, indicate that the proceedings will be entirely confidential, and that the decision of the panel will be final.

#### **Procedure of Hearing – General**

NB. Chair to put attendees at their ease.

- Chair to introduce members and ask for all parties to be introduced
- Note that the procedure will be minuted
- Note that the outcome will be final
- Indicate that a record will be kept of complaint and its outcome, and forwarded to governors
- Follow agenda as per policy