



Complaints Policy and Procedures

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| Author: MBC |
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| Review Date | Detail |
|--------------------|-----------------------------|
| October 2017 | Complete review by M Madden |
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1. Introduction

Sunnyside Academy prides itself on the quality of the teaching and pastoral care provided to its pupils. Parents and Carers can expect any complaint to be treated by the Academy with care and in accordance with this Complaints Policy and Procedure. The Academy makes its Complaints Policy and Procedure available to all parents and Carers and prospective pupils on the Academy's website and in the school office during the school day.

This Complaints Policy and Procedure has been drafted having regard to Section 29 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010 (as amended) ("the 2010 Regulations"). In the event of any conflict between the procedure outlined in this Complaints Policy and Procedure and the 2010 Regulations, the 2010 Regulations shall apply.

In accordance with the 2010 Regulations, a written record will be kept of all complaints, whether dealt with formally or informally. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection requests access to them.

2. Process

Most issues raised by parents or carers are concerns rather than complaints. We take informal concerns seriously and handle them, if possible, without the need for formal procedures. The formal procedures will 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.

The prime aim of the Academy's Complaints Policy and Procedure is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

The Academy's Complaints Policy and Procedure has four main stages:

- Stage 1 (informal): a concern reported to a staff member will be responded to and recorded by this staff member, unless the staff member is the subject of the concern and the complainant requests another member of staff to respond.
- Stage 2 (formal): complaint investigated by the Headteacher, unless the complaint is about the Headteacher. If so it will be passed to the Chair of Governors.
- Stage 3 (formal): complaint investigated by the Chair of Governors when the Headteacher is unable to do so or the complainant request the Chair of Governors to do so.
- Stage 4 (formal): complaint heard by the Governing Body's Complaints Appeal Panel

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

Stage 1 (informal): concern heard by staff member (usually a meeting)

It is in everyone's interest that issues are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

When a parent/carer raises a concern with a member of staff in school, the concern will be taken seriously and resolution of the concern sought. The complainant can expect a full and open discussion of the concern and an outcome sought. If necessary, and requested by the complainant, the staff member will write to the complainant with the nature of the concern and the agreed outcomes on how it can be put right. In all instances, it will be recorded on the school's internal records. (CPOMS).

It is expected that issues raised at this stage could and should be responded to on the day that it is raised. If it requires a little longer, the timescale needs to be agreed with the complainant, but should not take longer than three school days to provide a response. When it is difficult to meet the agreed timescale, the complainant should be kept informed of progress.

The staff member may also feel that at this stage it would be helpful to involve a more senior member of staff. The ability to consider the concern objectively and impartially is crucial.

Where the complaint concerns the Head Teacher, then staff must refer the complainant to the Chair of Governors.

Members of the Governing Body would not be involved at this stage as it may affect their role at a more formal stage.

Stage 2 (formal): complaint heard by Headteacher

At this point, the complainant may be dissatisfied with outcome of their concern or the way it was handled previously. A formal complaint at stage 2 must be put in writing to the Head Teacher. The Head Teacher will meet the complainant to discuss their continued dissatisfaction and agree the nature of the complaint and desired outcome. A realistic timescale for the concluding of the investigation should be agreed, but it is expected that this should be within 15 school days. When it is difficult to meet the agreed timescale, the complainant should be kept informed of progress.

The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The Headteacher will respond to the complainant in writing on their findings of the investigation into their complaint. The report should identify if the complaint is upheld and if so the measures to be taken put matters right.

Stage 3 (formal): complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Head Teacher or the complaint is about the Head Teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

The Chair of Governors will meet the complainant to formally discuss their dissatisfaction. This meeting will determine the full nature of their complaint, their desired outcome and the believed impact upon them because of their complaint. This will be recorded in writing and agreed with the complainant. A realistic timescale for the concluding of the investigation should be agreed, but it is expected that this should be within 15 school days. When it is difficult to meet the agreed timescale, the complainant should be kept informed of progress.

A full investigation will take place by the Chair of Governors (or if appropriate, an external person on their behalf) and a written report produced on the findings. The report should identify if their complaint is upheld and if so the measures to be taken put matters right.

Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel

If the complainant remains unhappy with the formal investigation, the complainant will write to the Chair of the Governing Body giving details of the complaint, requesting that it is put before the appeal panel. The request should be submitted within 15 school days of receiving the report and response to the formal investigation. The Chair of The Governing Body, will ensure that Complaint Panel Hearing is convened with assistance from the Clerk to the Panel. It is the responsibility of the Clerk to the Panel to plan and arrange the Panel and send out all papers to those who will be involved.

The Parent/Carer/Complainant will be invited to attend and be supported by another person of their choosing should they want this support to enable them to attend the Panel Hearing.

The Panel will consist of three Governors who are not directly involved in the matters detailed in the complaint. At least one member of the panel is independent of the management and running of the Academy. The independent governor will be sought with the assistance of the Council's Governor Support Service. The panel can select the Chair.

3. Purpose of a Review Panel

Members of the panel will have delegated powers to hear complaints at this stage, it is not, however, a means to reinvestigate the complaint.

The panel is designed to

- Listen to all parties
- Focus on achieving resolution
- Reach findings on the complaint(s) being reviewed, decide on whether the complaint is upheld or not
- Make recommendations that provide practical remedies
- Recommend any service improvements
- Recommend any review of Policies

The Complaint Panel Hearing should be conducted as informally as possible, but in a professional manner and in an atmosphere, which is accommodating to all attendees.

4. Procedure for a Complaint Panel Hearing

- Upon receipt of a written request for a Complaint Panel Hearing, the procedures outlined below should be followed:
- The Clerk to the Complaint Panel should write to the complainant within five working days to acknowledge receipt of the written request. If the exact nature of the complaint, and/or the complainant's desired outcome are not clear from their letter, clarification should be requested.
- Appendix 1 is a pro forma document, which can be used for this purpose. The acknowledgement should inform the complainant that the complaint will be considered by a Complaint Panel within 21 working days of receipt of the complaint. The Clerk should also provide details of the Complaint Panel members and their status. The complainant should be told what papers will be supplied to the Complaint Panel and should be provided with a copy of these papers for their own consideration. The complainant should be given the opportunity to provide any further relevant papers for the Complaint Panel's consideration if they wish. Any further relevant papers for consideration should be sent to the school no later than 5 school days before the Panel Hearing. Papers cannot be accepted on the day of the Panel Hearing.
- The Clerk to the Complaint Panel should ensure that Complaint Panel members have no prior knowledge of the matters giving rise to the complaint, or of the way in which the complaint has been dealt with previously. The Head Teacher and the Chair of Governors should not be a Complaint Panel member, although one or both will be present on behalf of the Academy.
- The Clerk to the Complaint Panel should be aware that it is inappropriate to include a teacher or Staff Governor on the Panel, as they would be compromised where the complaint is against a fellow member of staff at the school.
- The Clerk to the Complaint Panel will write to all parties again prior to the Complaint Panel Hearing confirming details of the date, time and location of the Complaint Panel Hearing. An outline in general terms as to how the Complaint Panel Hearing will be conducted will be provided together with confirmation of the complainant's right to be accompanied by another person if they wish. This may be a relative, teacher or friend to provide support for the complainant, but they will not be permitted to speak at the Complaint Panel hearing without the express permission of the Chair of the Complaint Panel, which will be given in exceptional cases only. (Legal representation is not considered to be appropriate.) The Clerk to the Complaint Panel will ensure that all relevant supporting documentation is sent to the complainant, the Head Teacher, the Chair of Governors and each Complaint Panel member at least three working days prior to the Complaint Panel Hearing.

- The Clerk to the Complaint Panel will take notes during the Complaint Panel Hearing. Digital or other forms of recording are not appropriate and will not be permitted.

Notification of the Complaint Panel's Decision

The Panel will produce a written report containing a brief summary of the representations, their findings and recommendations for resolution. This must be sent to the complainant, Head Teacher and Chair of Governors, within 5 school working days of the panel hearing.

The Head Teacher, or the Chair of Governors if the complaint relates to the Head Teacher, will respond in writing on the Panel's recommendations to the complainant within 5 school working days on actions to be taken by the school in light of the panel's findings. The letter also needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:
 Department for Education
 2nd Floor, Piccadilly Gate
 Manchester
 M1 2WD

5. Checklist for a Complaint Panel Hearing

The Complaint Panel needs to take the following points into account:

- The hearing should be as 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 is then invited to explain the school's actions and be followed by the school's witnesses.
- Any questions or points of clarification on information shared should go through the Chair of the Complaint Panel
- 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 school's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within 5 school days
- Both parties leave together while the panel decides on the issues.

6. General Principles

6.1 Informality

It is important that complainants are encouraged to resolve their concerns informally wherever possible. Effective handling of concerns at an early stage can help to prevent escalation. Our Home/School Agreement informs parents, carers and pupils of appropriate ways to express their views about the school. This should prevent many problems from arising by giving staff an early warning of any potential difficulties. Some underlying principles should be observed whenever concerns or complaints are raised.

6.2 Quick response

Complaints should be dealt with as speedily as possible, consistent with fairness to all concerned. Each stage of the Procedure has clear time limits. When it is difficult to meet these, the complainant should be kept informed of progress.

6.3 Advice and support for complainant

It is important that parents and carers know where they can go for information, advice and advocacy if they require it at each part of the process.

6.4 Support for a person complained against

Staff who are implicated in a complaint and who may be questioned as part of the investigation must feel they are being treated fairly and that they can put their case forward. This Procedure should be explained to them and they should be kept informed of progress.

6.5 Confidentiality

Complainants must feel confident that their complaint will be handled confidentially and not penalise their child. However, all parties involved will need to be aware that some information may have to be shared, on a strictly need-to-know basis. **It is important to bear in mind that a Complaint Panel must consist of Governors who have no previous knowledge of the complaint.**

6.6 Redress

If the outcome of the Procedure shows the school is at fault, the range of possible responses includes one or more of the following:

- Acknowledgement and apology
- Explanation
- An undertaking to review/revise school policies or practices
- A commitment to take steps to prevent a recurrence

6.7 Record-keeping

The complaints procedure requires a written record of all concerns and complaints. A concern can be recorded on the child's CPOMS record. A written record of all formal complaints, whether they were resolved at Stage 2 or progressed forward to Stage 4, must be kept in a confidential filing system that has restricted access. A record must be kept

outlining any actions taken by the Academy or any recommendations. These will be shared with the Governing Body when the complaint is fully completed and resolved.

6.8 Anonymous Complaints

It is usually proper to disregard anonymous complaints. However, should the school receive such a complaint and it relates to something of a serious nature, the Headteacher or Chair of Governors should use their discretion to decide whether the gravity of the complaint warrants its investigation.

7. 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 Board 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, the

Academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Board can be a useful tool in evaluating an Academy's performance.

Appendix 1

Complaint Panel Hearing – Request Form

What do you want the Complaint Panel to recommend that the Academy do?

- Give an acknowledgement and/or apology
- Give an explanation
- Give an undertaking to recommend revision of school policies or practices
- Give a commitment to recommend steps designed to prevent a recurrence
- Other action (please specify)

Your signature: Date:

What happens next?

- You will receive an acknowledgement that this form has been received.
- You will be invited to a Complaint Panel Hearing.
- Within fifteen working days of meeting the Complaint Panel Hearing you will receive written notification of the Complaint Panel's findings of fact and recommendations.

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| Official use | |
| Date acknowledgement sent: | |
| By who: | |
| Complaint referred to: | |
| Date: | |