



The Fernwood School

High Achievement with Care & Discipline for All

Complaints Procedure Policy

This policy will be monitored regularly and evaluated so that it remains responsive to current issues. This will be co-ordinated by the Headteacher

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Introduction

1. Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also required the procedure to be publicised. As an Academy, it remains a statutory requirement to have such a procedure in place and the details of the Academy's procedure, approved by the Trust's Governing Body, are set out below.
2. This procedure does not replace the arrangements made for any complaints about the curriculum or collective worship or those complaints which fall outside the remit of this complaints procedure, for example, staff grievances or disciplinary procedures.

Part 1: General Principles of Complaints

Dealing with Complaints – Initial concerns

3. It is acknowledged that taking any informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
4. The underlying principle of the procedure is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or class tutor will receive the first approach. It is expected that most issues will be capable of resolution on the spot.

Dealing with Complaints – Formal procedures

5. The formal procedures will only be used when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Complaints which will be dealt with under the Formal Complaints Procedure must be received in writing.
6. The Head teacher will oversee the operation of the procedure and will organise any investigation.

Framework of Principles

7. This Complaints Procedure endeavours to:
 - 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
 - provide a confidential process
 - address all the points at issue and provide an effective response and appropriate redress, where necessary
 - provide information to the Academy's senior leadership team so that services can be improved



Investigating Complaints

8. At each stage, the person investigating the complaint will:
- 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
 - keep notes of the interview

Resolving Complaints

9. 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 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
10. 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.
11. Areas of agreement between the parties will be sought. 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

12. If properly followed, it is hoped that this 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, Governor Complaints Co-ordinator or Clerk to the Governing Body (depending on the circumstances of the case) is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.



Time-Limits

13. Complaints will be considered, and resolved, as quickly and efficiently as possible and realistic and workable time limits will be set for actions within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation of the reasons for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

14. Four Academy-based stages are operated as under:
 - Stage one: complaint heard by staff member (though not the member of staff who is the subject of the complaint)
 - Stage two: complaint heard by Headteacher
 - Stage three: complaint reviewed by Governor Complaints Co-ordinator
 - Stage four: complaint heard by Governing Body's Complaints and Hearings Committee (members of which will not have had any previous involvement in the matter. One member of the committee will be independent of the management and running of the Academy)

At each stage it will be clarified 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 head teacher after a meeting with the complainant.

15. A dissatisfied complainant can always take a complaint to the next stage.
16. If a complaint concerns the conduct of the head teacher then the matter will initially be referred to the Governor Complaints Co-ordinator. If the complaint is about a Governor, then this should be made to the Chair of the Governing Body and the matter will first be considered under the Governing Body's Code of Conduct.

Part 3: Managing and Recording Complaints

Recording Complaints

17. The progress of any complaint and the final outcome will be recorded. A complaint may be made in person, telephone, or in writing. The complaint form Annex B can be used. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

Governing Body Review

18. The Governing Body's Governor Complaints Co-ordinator will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and propose changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.
19. 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, schools 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 the Academy's performance.



Publicising the Procedure

20. The Governing Body has agreed that the details of the Complaints Procedure will be publicised on the Academy's website.

Annex A - Procedure to be adopted

Stage One: Complaint Heard by Staff Member

It is acknowledged that 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 school can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures and they know what to do when they receive a complaint.

The views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff will be respected. In these cases, the Headteacher can refer the complainant to another staff member. Where the complaint concerns the Headteacher, it will be referred to the Governing Body's Complaints Co-ordinator.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head teacher 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 Governor Complaints Co-ordinator or the Clerk to the Governing Body. Governors will 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 Committee at a later stage of the procedure.

Stage Two: Complaint Heard by Headteacher

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

Stage Three: Complaint Heard by Governing Body Complaints Co-ordinator

Here the nominated Governor will review the matter to date and contact the complainant to see if it is possible to resolve the matter prior to the final stage (below).

Stage Four: Complaint Heard by Governing Body's Hearings and Complaints Committee

The complainant needs to write to the Clerk to the Governing Body giving details of the complaint. The Clerk will convene the Governing Body's Hearings and Complaints Committee.

This hearing is the last Academy-based stage of the complaints process, and is not convened merely to 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 Committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body has established a Hearings and Complaints Committee which has delegated powers to hear and determine complaints. The Committee will consist of three or five members who have had no previous involvement in the matter the subject of the complaint and will choose its own Chair. One member will be independent of the management and running of the Academy.

The procedure to be followed by the Committee is set out below.



The Remit of the Hearings and Complaints Committee

The Committee 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

Governors sitting on the Committee will need to bear in mind:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No Governor may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the composition of the Committee, Governors will be sensitive to equality issues.
- 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 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. An effective Committee 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 Committee Chair will ensure that the proceedings are as welcoming as possible to ensure the setting is informal and not adversarial. Parents may be accompanied by a friend or relative at the panel hearing.
- d. Extra care will 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 Committee will 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, the parent will be given 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 Clerk to the Governing Body is the contact point for the complainant and will 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 Committee's decision

The Role of the Governor Complaints Co-ordinator

To:

- 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 Committee

The Chair of the Committee has a key role, ensuring that:

- the remit of the Committee 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 Committee is open minded and acting independently
- no member of the Committee 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 Committee's Decision

The Chair of the Committee will ensure that the complainant is notified in writing of the Committee's decision on the complaint, as soon as possible after the hearing having regard to the specific circumstances of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The Committee will ensure that the following points are taken into account:

- The hearing is 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 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 Head teacher and the witnesses after each has spoken
- The Committee 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 Committee decides on the issues
- The Chair explains that both parties will hear from the Committee within a set timescale



Annex B - Complaint form

Please complete and return to the Headteacher or the Clerk to the Governing Body (c/o the Academy) who will acknowledge receipt and explain what action will be taken.

<p>Your name:</p>
<p>Pupil's name:</p>
<p>Your relationship to the pupil:</p>
<p>Address:</p>
<p>Postcode:</p>
<p>Day time telephone number:</p>
<p>Evening telephone number:</p>
<p>Please give details of your complaint.</p>



What action, if any, have you already taken to try and resolve your complaint.

(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:

By who:

Complaint referred to:

Date: