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# Complaints Policy

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Discussed at a meeting of the Governing Board on Tuesday 25<sup>th</sup> August 2020.

Policy to be reviewed by the Headteacher during the Autumn Term of 2020.



## **Part 1: Overview and Principles**

Since 1<sup>st</sup> September 2003 Governing Bodies (GB) of all maintained schools have been required under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to their school and to any community facilities or services that the school provides. This does NOT limit complainants to parents or carers of students registered at the school. The law also requires the procedure to be publicised.

We believe that our school provides a good education for all our children, and that the Headteacher and other staff work very hard to build positive relationships with all students, staff, parents and families. However, the school is obliged to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases.

### **Aims and objectives**

Newhouse Academy aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

### **Dealing with complaints – initial concerns**

The school needs 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.

The principle is that concerns ought to be handled if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the members of staff will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

It is reasonably assumed that any initial issue raised about the school or a member of its community, will be treated as a concern in the first instance.

### **Dealing with complaints – formal concerns**

The formal procedures 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.

The Headteacher will nominate a member of staff to have responsibility for the operation and management of the school complaints procedure (complaints-co-ordinator) In light of the expected involvement of the Headteacher at this stage, it is likely that the Clerk to the Governors will coordinate information sharing related to any complaint.

## Framework of Principles

The complaints procedure at Newhouse Academy will:

1. Encourage resolution of problems by **informal** means wherever possible
2. Be easily **accessible** and **publicised**
3. Be **simple** to understand and use
4. Be impartial
5. Be non-adversarial
6. Allow **swift** handling with established time-limits for action and keeping people informed of the progress
7. Ensure a full and **fair** investigation by an independent person where necessary
8. Respect people's desire for **confidentiality**
9. Address all the points at issue and provide an **effective** and **appropriate** redress, where necessary
10. Provide information to the school's SLT so that services can be improved

## Investigating complaints

The person nominated by the Headteacher to investigate the complaints needs to make sure 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 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 the wish
- Conduct all interviews with an open mind and be prepared to persist in questioning
- Keep notes of all interviews or arrange for an independent note taker to record minutes of all meetings

## Resolving complaints

It is important that the school always keeps in mind ways in which the 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 school policies in light of the complaint
- The complainant needs to state what actions they feel might resolve the problem at any stage. Please note an admission that the school could have handled the situation better is NOT the same as an admission of negligence.
- It is also important to identify areas of agreement between the parties and clarify any misunderstanding that might have occurred.

### **Vexatious Complaints**

There will be unfortunately occasions when despite all stages of the procedures having being followed, the complainant remains dissatisfied.

If the complainant tries to re-open 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.

If the complainant tries to re-open the same issue, then the correspondence may be recognised as vexatious and there will be **NO** obligation on the part of the school to respond.

If, however the complainant raises an entirely, new, separate complaint, it must be responded to in accordance with the complaints procedure. It is NOT the complainant who is vexatious; it is the correspondence.

### **Time-limits**

Complaints need to be considered and resolved, as quickly and efficiently as possible. Each action within each stage needs to have a realistic time limit. 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.

### **SEN complaints procedure**

The school aims to be sensitive to the needs of the students and their parents/carers. The SENCO welcomes meeting with parents/carers at mutually agreed times to discuss the needs of their children and the school's provision for them, including aspects such as health, progress and behaviour and further steps the school might take.

Informal complaints may be made through the Form Tutor, Head of Year or SENCO. Complaints will be acknowledged and a response given or a meeting arranged for further discussion as soon as possible.

More formally, the head teacher will receive and investigate complaints and seek to resolve problems.

Parents/carers who have a concern which they feel has not been properly addressed may put their concern in writing to the Chair of the Governing Body.

## Part 2: The complaints procedure (see Annex B for more detailed information)

### The stages of the complaint

There are 4 stages to the complaints procedures at Newhouse Academy. At each stage it is important to state, WHO will be involved, WHAT will happen and HOW long it will take.

<b><u>Stage 1 (informal)</u></b>	Complaint heard by staff member ( <b>NOT</b> the subject of the complaints)
<b><u>Stage 2 (formal)</u></b>	Complaint heard by Headteacher
<b><u>Stage 3 (formal)</u></b>	Complaint heard by Chair of Governors or in his absence another Governor
<b><u>Stage 4 (formal)</u></b>	Complaint heard by the Governing Bodies complaints appeal panel

An unsatisfied complainant can ALWAYS take a complain to another stage (i.e. the Local Authority).

The school complaints procedure should NOT suggest that a complaint can only be escalated to the next stage if the school permits it.

Any complaint against the Headteacher will be dealt with by the Chair of Governors.

Complaints against the Chair of Governors or any individual Governor should be made in writing to the Clerk of the Governing Body.

### **Part 3: Recording Complaints**

#### **Managing and Recording Complaints**

The school will record the progress of the complaint and the final outcome. Any complaint may be made in person, by telephone, email or in writing. It's important that at the end of a meeting or telephone call that the complainant and the school have a clear understanding of what was discussed and agreed.

Brief notes of meetings/telephone calls need to be kept and a copy of any written responses added to the record.

It is the responsibility of the designated person for the complaint to keep these records and that a copy is passed to the Clerk to the Governing Body.

#### **Governing Body Review**

The Governing Body can monitor the level and nature of the complaints, and review the outcome on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.

Complaints information shared with the Governing Body should NOT name individuals in case an appeal needs to be constituted.

The complaints procedure will be reviewed on a yearly basis.

This review can be delegated to the Resources sub-committee. The revised policy must be ratified by the Full Governing Body.

The policy will be available to download on the school website.

## Annex A: The Act

Section 29 of the Education Act 2002 requires that:

The governing body of a maintained school in England shall –

Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

Publicise the procedures so established.

In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

## **Annex B: The Stages of the Complaint**

### **Stage 1 (informal): complaint heard by staff member**

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, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

It would assist the procedure if the school respected 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 complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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.

### **Stage 2 (formal): complaint heard by Headteacher**

The Headteacher's influence will already have shaped the way complaints are handled in the school. 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 Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

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

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

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

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-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 GB 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:

1. drawing up its procedures;
2. hearing individual appeals;
3. making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. 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 remit of The Complaints Appeal Panel

The panel can:

1. dismiss the complaint in whole or in part;
2. uphold the complaint in whole or in part;
3. decide on the appropriate action to be taken to resolve the complaint;
4. 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 governor sitting on a complaints panel needs to remember:

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.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school 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.

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.

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 the 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.

The governors sitting on the panel need to be aware of the complaints procedure.

## Roles and responsibilities

### The role of the Clerk

The department strongly recommends that any panel or group of governors considering complaints 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### 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 requested, 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.

### **Notification of the Panel's Decision**

The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing within ten school days of the panel hearing.

The letter will 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 panel needs to take the following points 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 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.
- 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.
- 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.

## Annex C: Summary for Dealing with Complaints

### Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome and the means by which the decision was shared with the complainant. If all parties are happy, then **CONCERN RESOLVED**.

If not resolved, then escalate to:

### Stage 2 – Complaint heard by Headteacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied
- Ensure complaints coordinator informed of outcome and the means by which the decision was shared with the complainant. If all parties are happy, then **COMPLAINT RESOLVED**.

If not resolved, then escalate to:

### Stage 3 - Complaint heard by Chair of Governors

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied
- Ensure complaints co-ordinator informed of outcome and the means by which the decision was shared with the complainant. If all parties are happy, then **COMPLAINT RESOLVED**.

If not resolved, then escalate to:

### Stage 4 – Governor’s complaints panel meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education