

One Degree Academy

Complaints Policy

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Complaints Procedure

1 General Principles of complaints

Dealing with Complaints - Initial concerns

1.1 One Degree Academy recognises the 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.

1.2 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 requirement to have a complaints procedure need not in anyway undermine efforts to resolve concerns informally. In most cases the class teacher or the individual delivering the service will receive the first approach. One Degree Academy recognised that it is often helpful if staff are able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints - Formal procedures

1.3 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.

1.4 The Complaints Co-ordinator will have responsibility for the operation and management of the Academy complaints procedure.

Framework of Principles

1.5 Our Complaints Procedure is designed 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;
- 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 staff so that services can be improved.

Investigating Complaints

1.6 The Complaints Co-ordinators must ensure 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 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

1.7 At each stage in the procedure it is important 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.

1.8 Complainants should 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.

1.9 An effective procedure will identify areas of agreement between the parties. 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

1.10 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

1.11 Complaints need to be considered, and resolved, as quickly and efficiently as possible. This procedure has realistic time limits for each action 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 for the delay.

Stage One: Complaint Heard by Staff Member

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

2.2 It would assist the procedure if the Academy 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 Coordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

2.3 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.

2.4 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. 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 panel at a later stage of the procedure.

2.5 Complainants wishing to make a formal rather than an informal complaint are requested to do so in writing using the Academy Complaints Form.

2.6 The Complaints Coordinator should ensure that all complaints are acknowledged within 5 term-time days of receiving the complaint. The acknowledgement will give a brief explanation of the academy complaints procedure and give a target date for providing a response which should normally be within 10 Academy term time days. If this target cannot be met, a letter should be written within 10 Academy term time days explaining the reason for the delay and providing a revised target date.

2.7 The person dealing with the complaint will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person. The complaints coordinator will seek to:

- Put right any matter which may have gone wrong

- Review our systems and procedures in the light of the relevant circumstances if relevant

The complaints coordinator must also act in line with the following guidelines:

- Complaints brought by staff should be investigated using the Grievance procedure and not this policy.
- Only complaints received in writing using the complaints form will be considered
- Anonymous complaints will not be considered
- Complaints must be made within 3 months of the event. Complaints after this period will not be considered.
- The person dealing with the complaint will investigate the complaint

2.8 Once all of the facts have been established the person dealing with the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

2.9 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the Academy will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure.'

2.10 When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the Academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)

2.11 This letter or report must be endorsed by the Principal. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Principal within 10 Academy term time days of receiving the response.

2.12 If no further communication is received from the complainant within 5 Academy term time days it is deemed that the complaint has been resolved and should end.

Stage Two: Complaint Heard by Principal

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

3.2 The same timings as in Stage 1 will apply in stage 2.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel

4.1 The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will direct the clerk to convene a Governing Body complaints panel within 20 working days. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for documents to be circulated.

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

4.3 Individual complaints should 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.

4.4 It is important that a written record is kept of all complaints and whether they were resolved at the preliminary stages or proceeded to a panel hearing. A record of all findings should also be kept on file.

4.5 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.

4.6 The procedure adopted by the panel for hearing appeals would normally be part of the Academy's complaints procedure. The panel can be drawn from the nominated members and will consist of three people. The panel may choose their own chair.

4.7 If the complaint is about the Principal a hearing by the chair of governors becomes stage 2. If the complainant is unhappy he/she needs to write to the clerk of governors whereupon a panel of 3 governors will hear the complaint. One member of the panel will be independent of the management and running of the school and the remaining members will be governors not previously involved in the complaint. Their decision will be final.

The Remit of the Complaints Appeal Panel

4.8 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.

4.9 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. 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.
- 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 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.
- d. 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.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

5.0 Roles and Responsibilities

The Role of the Clerk

5.1 Any panel or group of governors considering complaints should 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;
- notify the complainant that s/he can be accompanied to the hearing by a friend or representative
- 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

5.2 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

5.3 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

3.4 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. This letter must be kept and made available for inspection on the school premises.

Confidentiality

3.5 Correspondence statements and records relating to individual complaints must be kept confidential except where requested by the secretary of state or inspection body.

Annex A: Checklist for a Panel Hearing

The panel needs to take the following points into account:

- One member of the Panel must be independent of the running of the school
- At least 3 people on the panel must not be directly involved in the matters detailed in the complaint
- 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 Principal may question both the complainant and the witnesses after each has spoken.
- The Principal 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 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.

Annex B: School Complaints Procedure

Legal requirement

Section 157 of the Education Act 2002 requires, in terms of independent school standards, that:

Regulations shall prescribe standards about the manner in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1st September 2003 require in paragraph 6 that:

A school shall provide to parents of pupils and prospective pupils and on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.

Annex C: One Degree Academy Complaints Form

Please complete and return to Joe Howlett (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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: