



School Complaints Procedure

Complaints Procedure
Ratification Date: December 2015
Reviewed: Every 3 years
Next Ratification: December 2018
Governor/Director Owner: Chair of Multi Academy Trust
Lead Staff Member Owner: Executive Headteacher

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PART 1: GENERAL PRINCIPLES OF COMPLAINTS

Dealing with Complaints – Initial Concerns

1. 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.
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 any way undermine efforts to resolve the concern informally. In most cases a member of staff will receive the first approach. It would be helpful if staff were able to resolve issues on the spot.

Dealing with Complaints – Formal Procedures

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.

Framework of Principles

4. An effective complaints procedure will:
 - Encourage resolution of problems by **informal** means where 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 school's senior management team so that services can be improved.

Investigating Complaints

5. At each stage, the person investigating the complaint makes sure 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

6. At each stage in the procedure schools will want 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 school policies in light of the complaint.
7. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.
8. 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

9. 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 LGB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Limits

10. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have 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.

PART 2: COMPLAINTS PROCEDURE

- Stage 1 – A concern is raised informally with a staff member
- Stage 2 – Formal complaint is heard by an appropriate member of staff
- Stage 3 – Complaint is heard by Headteacher
- Stage 4 – Complaint is heard by Executive Headteacher
- Stage 5 – Complaint is heard by Complaints Panel

Stage 1 – Raising a Concern

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the appropriate Pastoral Support Officer. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please complete the Complaint Form within 10 school working days and state what you would like the school to do. The school will then look at your complaint at the next stage.

Stage 2 – Complaint heard by an appropriate staff member

Formal complaints shall be put in writing and addressed to the appropriate Headteacher. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. A meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at Stage 2, please write to or call the school within 10 school working days of getting our response. You will need to tell the school why you are still not satisfied and what you would like the school to do.

Stage 3 – Complaint heard by the Headteacher

If the matter has not been resolved at Stage 2, the Head will arrange for a further investigation. Following the investigation, the Headteacher will normally give a written response within 10 school working days. If you are dissatisfied with the result at Stage 3, you will need to let the school know within 10 school working days of getting the response.

Stage 4 – Complaint heard by the Executive Headteacher

If the matter has not been resolved at Stage 3, the Executive Headteacher will arrange for a further investigation. Following the investigation, the Executive Headteacher will normally give a written response within 10 school working days. If you are dissatisfied with the result at Stage 4, you will need to let the school know within 10 school working days of getting the response.

Stage 5 – Complaint heard by the Governing Body's Complaints Appeals Panel

If the matter has still not been resolved at Stage 4, then you will need to write to the Chair of the Local Governing Body giving details of the complaint. The Chair or a nominated Governor will convene a complaints panel. The panel will consist of at least 3 people, none of whom have been directly involved in the matters detailed in the complaint. At least one panel member will be independent of the management and running of the school. The parent is allowed to attend the hearing if they wish, and also to be accompanied. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 5 investigation.

The aim of the appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. The panel will make findings and recommendations. A copy of these findings and recommendations will be sent by email or letter to the complainant within 10 working days. Where relevant, they will also be sent to the person complained about. The letter will also contain what you need to do if you wish to take the matter further.

NB: In cases where the matter concerns the Headteacher, the Executive Headteacher and Chair of the Local Governing Body will be informed of the complaint. The Chair of the Local Governing Body will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Local Governing Body the member will be informed of the complaint and the Executive Headteacher will arrange for the matter to be investigated.

PART 3: RECORDING COMPLAINTS

Records of complaints will be held centrally. These records will be available for inspection by the Executive Headteacher and Headteacher.

Written records will be kept of all complaints, including whether they have been resolved at the preliminary stage (Stage 1), or whether they have progressed to Stages 2, 3, 4 or 5.

All correspondence, statements and records relating to individual complaints are to be kept confidential, except where the Secretary of State or a body conducting an inspection under Section 162A of the 2002 Act requests access to them.

PART 4: MONITORING COMPLAINTS

1. The LGB 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 LGB will not name individuals.
2. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the LGB can be a useful tool in evaluating a school's performance.

The complaints procedure can be requested from the school office and will also be available on the school website.

Barnhill Partnership Trust Complaints Procedure

Appendix A

Manner in which Complaints are to be Handled

The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which:

- a) is in writing;
- b) is made available to parents of pupils;
- c) sets out clear timescales for the management of a complaint;
- d) allows for a complaint to be made and considered initially on an informal basis;
- e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
- f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (3), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- g) ensures that where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is:
 - Sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - Available for inspection on the school premises by the proprietor and the Headteacher.
- j) provides for a written record to be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing;
- k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them; and
- l) where the school provides accommodation, is drawn up having regard to the Standard 5 of the National Minimum Standards for Boarding Schools or, where applicable, Standard 4 of the National Minimum Standards for Residential Special Schools.

Barnhill Partnership Trust Complaints Form

Appendix B

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime 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:

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Appendix C

An Example of a Complaints Procedure

Complaints Panel

The Complaints Panel hearing is the last school-based stage of the complaints process and is not convened to merely rubber stamp previous decisions.

The Complaints Panel will consist of three members, at least one of whom will be independent of the management and running of the school. The panel may choose their own Chair.

The Remit of the Complaints Panel

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 school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any person sitting on a complaints panel needs to remember:

- a) It is important that the hearing is independent and impartial and that it is seen to be so. No person 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, it is important to ensure that the panel is 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 school 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.

Roles and Responsibilities

The Role of the Clerk

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;

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- 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 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 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.

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Appendix D

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.
- The complainant 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 timescale.

Flowchart – Summary of Dealing with Complaints

