



## COMPLAINTS PROCEDURE

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### STRATFORD UPON AVON SCHOOL – COMPLAINTS PROCEDURE

# STRATFORD-UPON-AVON SCHOOL

## COMPLAINTS PROCEDURE

Complaints against the Academy or any employee of the Academy (permanent, fixed term and casual) may be made under this policy.

NB complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy

### General Principles

#### Dealing with Complaints – Initial concerns

It is important 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 policy which follows deals 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 the class teacher or the individual delivering the service in the case of extended academy provision, will receive the first approach, which may be either verbal or written. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

#### Dealing with Complaints – Formal procedures

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. In order to progress the complaint at Stage Two, it must be in writing, using the Complaint Form at Annex D, and be sent to the Headteacher.

#### Framework of Principles

Our Complaints Procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
- ensures a full and **fair** investigation;
- respect people's desire for **confidentiality**;
- addresses all the points at issue and provide an **effective** response and
- **appropriate** redress, where necessary;
- provides **information** to the Academy's leadership team so that services can be improved.

#### Investigating Complaints

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 contacts them (if unsure or if 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 is prepared to persist in the questioning;
- keep notes of the interview

## Resolving Complaints

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.
- It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage.

Note that an admission that the Academy could have handled the situation better is not the same as an admission of negligence.

## Vexatious Complaints

This procedure should 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 Chairman of the Governing Body (GB) or Headteacher is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Academy staff are not subsequently obliged to respond in the event that the complainant continues to complain about the same or closely related matter.

Equally, anonymous complaints will not be considered.

## Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy.

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.

**The Governing Body will publicise the complaints** procedure on the Academy website.

## Further Steps

In the event the complainant is not satisfied with the way the complaint has been handled by the Academy, s/he should contact the Education Funding Agency (EFA). This can be done via their website at <https://www.gov.uk/complain-about-school>, and clicking on the underlined text school complaints form.

## Stratford-upon-Avon School Complaints Procedure: Stage One.

### Complaint Heard by Staff Member (Line Manager initially, then SLT link if required)

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, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Parents and any other complainant should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the Academy. The Academy will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The Academy will try to respect 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 matter will

be referred to a Deputy Head or to the Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant can be referred to the Chairman of the GB.

The aim at this stage is to:

- Put right any matter which may have gone wrong.
- Review the school's systems and procedures in the light of relevant circumstances.

4. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Deputy Head or Headteacher 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.
5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate Line Manager. Governors should 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.
6. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.
7. The Line Manager 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.
8. Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
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.'
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)
11. This letter or report must be endorsed by the Headteacher. 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 Headteacher within 10 working days of receiving the response. If the complainant has not already completed the Complaints Form (as at Annex D), then they should do now, in order to initiate Stage Two.
12. If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

## **Stage Two: Formal Stage: Complaint Heard by Headteacher**

13. If the complainant is dissatisfied with the way the complaint was handled at Stage One, they may go to Stage Two and have the Headteacher hear the complaint.
14. The complainant must at this stage provide a completed Complaint Form as provided at Annex D of these procedures. The form may be provided by the Academy upon request to the Head's PA, in alternative formats, such as Braille, large print or languages other than English.
15. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
16. The same timings as in Stage One will apply (bullet point number 6) and the process of information gathering, reviewing the complaint and meeting or speaking to the complainant will proceed.
17. When the Headteacher's investigations have concluded, s/he will inform the complainant in writing of the outcome as described in bullet point 10 above.
18. If no further communication is received from the complainant within 10 working days of the date of the letter conveying the findings, it is deemed that the complaint has been resolved and should end.

### **Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel**

19. In the event that the complainant is not happy with an aspect of the investigation, including procedure or outcome, the matter may be escalated. The complainant needs to write to the Clerk to the Governors as directed by the Headteacher, giving details of the complaint. The Chairman will hear the complaint and his decision is final.
20. The Clerk to the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. 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 the documents to be circulated.
21. No person involved should have previous involvement in the complaint.
22. The Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
23. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
24. 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 include:
  - drawing up its procedures;
  - hearing individual appeals;
  - making recommendations on policy as a result of complaints.
25. In the event the Chairman is not available a panel can be drawn from the nominated members and may consist of three or five Governors. In this case the panel may choose their own Chairman.
26. If the complaint is about the Headteacher, a hearing by the Chairman of Governors becomes Stage Two. If the complainant is unhappy he/she needs to write to the Clerk to the Governors whereupon a panel of three to five governors (not previously involved) will hear the complaint. Their decision will be final.

## **The Remit of the Complaints Appeal Panel**

1. 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.

2. 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 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.
- 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 Chairman will ensure that the proceedings are as welcoming as possible.

3. The Clerk to the Governors will write and inform the complainant and any witnesses, and the panel of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.

4. Intervention of parallel investigations relevant to the complaint by the Police or Social Services may cause variation to these time scales. Any such variation will be notified to the complainant.

## Hearing the Complaint at the Meeting

- The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant.
- In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The recommended conduct of the meeting is as follows:
  - a) The Chairman of the panel will welcome the complainant, introduce the panel members and explain the procedure.
  - b) The Chairman of the panel will invite the complainant to explain the complaint.
  - c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
  - d) The Headteacher will be invited by the Chairman of the panel to question the complainant about the complaint and why it has been made.
  - e) The Chairman of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chairman of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
  - f) The Committee members may question the Headteacher and/or members of staff about the response to the complaint.
  - g) The Chairman of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
  - h) Any party has the right to call witnesses, subject to the approval of the Chairman of the Committee.
  - i) The Committee, the Headteacher and the complainant have the right to question any such witness.
  - j) The Headteacher will be invited by the Chairman of the panel to make a final statement.
  - k) The complainant will be invited by the Chairman of the panel to make a final statement.
  - l) The Chairman of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **15 working days**. The Chairman of the panel will then ask all parties to leave except for members of the Committee.
  - m) The Committee will then consider the complaint and all the evidence presented and;
    - i. Reach a decision on the complaint and the reasons for it.
    - ii. Decide upon the appropriate action to be taken to resolve the complaint.
  - n) The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.



**The Role of the Clerk**

The Clerk is 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;
- 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 Chairman of the Panel**

The Chairman of the Panel has a key role, ensuring that:

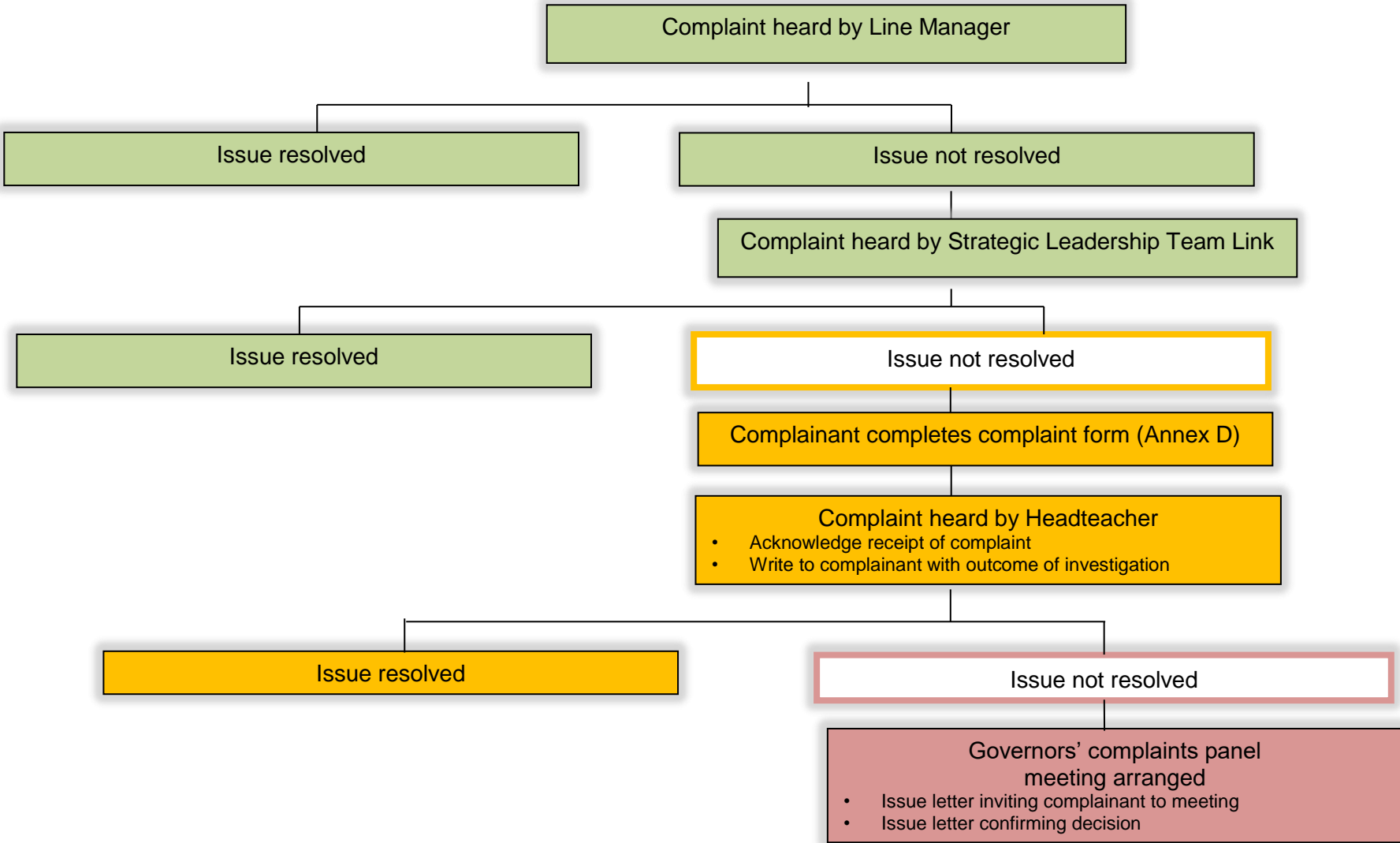
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing 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 any involvement in an earlier stage of the procedure, and that the independent member is included;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.

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. Students may not appear as witnesses, but they may provide statements.
- 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 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 Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chairman explains that both parties will hear from the panel within a set time scale, which should be within 15 days, unless there are specific circumstances which demand or justify a longer time delay.
- All corresponding interview notes will be kept for a period of 6 months.
- Ensure the complainant is aware of the address for referral to the EFA in the event they are dissatisfied with the way in which the complaint has been handled. (at Page 3 of this procedure)

- Stage 1 Informal
- Stage 2 Formal
- Stage 3 Appeal

### Flowchart Summary of Dealing with Complaints



### Complaint Form

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

**Your name:**

**Student's name:**

**Your relationship to the Student:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to 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:**