

REAch2 Complaints Policy & Procedure



**HENHURST
RIDGE**

PRIMARY ACADEMY

PROVIDING THE ROOTS TO GROW AND THE WINGS TO FLY

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Scope

- 1.1. The complaints procedure is based on a principle that concerns expressed by a pupil, parent, guardian or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the increasing more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.
 - 1.1.1. Stage 1 - Informal resolution to concern.
 - 1.1.2. Stage 2 - Formal complaint heard by a member of staff.
 - 1.1.3. Stage 3 - Formal complaint heard by the Head teacher.
 - 1.1.4. Stage 4 - Complaint heard by Governing Body Complaints Appeal Panel.
 - 1.1.5. Handling of complaint referred to the Education Funding Agency (EFA).
- 1.2. Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy.
- 1.3. Complaints brought by Governors should be dealt with through the Chair of Governors as an item for consideration at an informal level which if necessary may be escalated through formal procedures as set out in the Academy Trust's Articles of Association and not this Complaints Policy
- 1.4. Complaints brought by contractors should be dealt with through informal routes but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement and not through this Complaints Policy.
- 1.5. Complaints about pupils should be directed to the relevant Academy Staff. If a complainant is not happy with the manner in which the complaint was handled then they may raise a separate complaint through this policy and procedure. The complaints procedure cannot consider the complaint about the pupil it can only consider the complaint about how the Academy handled the original complaint.
- 1.6. Complaints about a contractor or visitor to the Academy should be directed to the Head teacher. If a complainant is not happy with the manner in which the complaint was handled then they may raise a separate complaint through this policy and procedure. The complaints procedure cannot consider the complaint about the contractor or visitor it can only consider the complaint about how the Academy handled the original complaint.
- 1.7. This complaints policy is compliant with 'The Education (Independent Schools Standards) Regulations 2010, Part 7 - Manner in which complaints are to be handled'.

Policy

- 1.8. The complaints procedure is based on a principle that concerns expressed by a pupil, parent, guardian or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the increasing more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.
- 1.9. Complaints must be made within 3 months of the event. Complaints after this period will not be considered. Line Managers or other delegated managers will investigate a complaint about a member of staff. Anonymous complaints will not be considered.
- 1.10. The Academy will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.
- 1.11. All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the Academy is required to make these records available to the Secretary of State or a body conducting an inspection under section 162A of the 2002 Education Act, if they request access to them.
- 1.12. Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the Academy sees fit.
- 1.13. The Academy has four stages to its complaints procedure:



- 1.14. The principles applied by all staff and Governors in applying the complaints procedure are that implementation of the procedure will be:
- Impartial;
 - Non-adversarial;
 - Timely;

- Objective;
- Evidenced based;
- Respects confidentiality;
- Fair;
- Addresses all of the points at issue;
- Provides an effective response;
- Provides appropriate redress where necessary;
- Is reported to senior management team so that services can be improved.

1.15. 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.

1.16. At each stage of the complaints procedure the member of staff responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the member of staff will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the member of staff to offer either:

- An explanation;
- An apology;
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events;
- Reassurance that the Academy will undertake a review of its policies in light of the complaint.

1.17. The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the Head teacher or 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.

1.18. The complaints procedure sets out the time limits for each stage of the complaints processes. Academy staff will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines with an explanation for the delay.

1.19. The *Governors* will publish the policy and complaints procedure on the Academy web site.

2. Procedure

The Four Stages of the Complaints Procedure

2.1. The complaints procedure has four clear levels. The policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level.



2.2. Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level. Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a *Governors' Panel*.

Principles of Investigating a Complaint

2.3. The principles that will be the basis for all investigations of complaints will be that the investigation:

- Clarifies the nature of the complaint and what remains unresolved;
- Establish **what** has happened so far, and **who** has been involved;
- Clarifies what the complainant feels would put things right;
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conducts the interview with an open mind;
- Keeps a written record of the interview.

Stage 1 - Informal Procedure

- 2.4. The class teacher, the Head teacher or other members of staff without the need to resort to a formal procedure can deal with many enquiries and concerns satisfactorily. The Academy values informal meetings and discussions.
- 2.5. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 working days. Should this informal stage require more time then the Academy will inform the complainant of this in writing as soon as this is known.
- 2.6. If the complaint is about the Head teacher or a Governor then the Chair of Governors will consider the complaint at the informal level. If the complaint is about the Chair of Governors then the Vice Chair will consider the complaint at the Informal level.
- 2.7. Should the face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the school's complaints policy will be forwarded to the complainant at this stage.
- 2.8. The complainant will be asked to complete the formal complaints form and return it to the Head teacher.

Stage 2 - Formal Complaint Heard by a Member of Staff

- 2.9. The Head teacher will identify the appropriate member of staff to handle the formal complaint at 'Stage 2'. If the complaint is about a member of staff then it will normally be a more senior manager that investigates the complaint. If the complaint is very serious then the Head teacher, at their discretion, may escalate the procedure directly to Stage 3.
- 2.10. 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 teacher or to the Head teacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary.
- 2.11. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Deputy Head teacher or 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.
- 2.12. Where the complaint concerns the Head teacher or a Governor, the complainant will be referred to the Chair of Governors. The Chair of Governors will consider the complaint as a Stage 3 formal complaint. Where the complaint

concerns the Chair of Governors, the Vice Chair will consider the complaint as a Stage 3 formal complaint.

- 2.13. Where the first approach is made to a governor, the next step would be to refer the complainant to the Head teacher. 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.
- 2.14. The member of staff considering the complaint will ensure that a written acknowledgement is provided to the complainant within **5 working days** of receiving a complaint. The acknowledgement will give an 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.
- 2.15. The member of staff considering 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.
- 2.16. Once all of the facts have been established the member of staff considering the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 2.17. 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'.
- 2.18. When the investigation has been concluded the complainant and the member of staff concerned (if the complaint is about a member of staff) will be informed in writing of the outcome. This may be to the effect that:
- a) There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
 - b) The evidence did not substantiate the concern, so the complaint can not be upheld;
 - c) The complaint was substantiated in part or full. A brief description should then be given of the remedial action being taken by the Academy as a consequence of the complaint. Details of the investigation or of any disciplinary procedures to be taken against a third party cannot be released.

d) The matter has been fully investigated and as a consequence further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations must not be referred to.

2.19. The Head teacher must endorse this report, which should also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Head teacher within **10 working days** of receiving the response.

2.20. If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and is closed.

Stage 3 - Formal Complaint Heard by the Head teacher

2.21. If the complainant is dissatisfied with the way the complaint was handled at 'Stage 2', they may proceed to 'Stage 3' and have the Head teacher hear the complaint. The Head teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

2.22. The same timings will apply as in 'Stage 2'. A written acknowledgement will be provided to the complainant within **5 working days** of receiving the request for the Head teacher to hear the complaint. The acknowledgement 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.

2.23. The Head teacher will advise the complainant that should they not accept the findings of the Head teacher, they can appeal by escalating the complaint to 'Stage 4' to be heard by a Governing Body Appeals Panel.

2.24. The Vice Chair of Governors will consider a formal complaint about the Chair of Governors as a Stage 3 formal complaint. The Vice Chair will consult with the Head teacher in their consideration of the complaint.

2.25. The Chair of Governors will consider a formal complaint about the Head teacher or another Governor as a Stage 3 formal complaint. In this case the Chair of Governors will consider the complaint rather than the Head teacher.

Stage 4 - Complaint Heard by Governing Body Complaints Appeal Panel

2.26. The complainant needs to write to the Academy Trust Secretary to the Governors, as directed by the Head teacher, giving details of the complaint.

2.27. The Secretary 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.

- 2.28. 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.
- 2.29. The Complaints Appeal Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the Academy. No person involved should have previous involvement in the complaint.
- 2.30. If the complaint is about the Head teacher or a Governor then the Chair of Governors will hear the complaint at 'Stage 3'. If the complainant is unhappy with the outcome at 'Stage 3' then a Governors Appeal Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it. If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 3 complaint. If the complainant is unhappy with the outcome at 'Stage 3' then a Governors Appeal Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it.
- 2.31. The findings of the Governing Body Complaints Appeal Panel are final.
- 2.32. 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.
- 2.33. The Secretary to the Governing Body will send a formal written response to the complainant within **10 working days**.

Complaint Procedure Referred to Education Funding agency

- 2.34. If a complaint has been through all the stages of the academy's complaints procedure but the complainant remains dissatisfied, they can ask the Education Funding Agency (EFA) to review the handling of the complaint.
- 2.35. Further information about referring the handling of a complaint to the EFA can be found at:
- The complaints about academies page on the Department for Education website <http://www.education.gov.uk/aboutdfe/complaintsprocedure/a00208461/academies>
 - Write to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH
 - Telephone the Department's Public Communications Unit on 0370 000 2288

Annex 1 - Glossary

The definitions used in this glossary are

Academy Trust	The Academy Trust is the charitable company that runs the Academy.
Chair of Governors	The Governing Body elects a Chair each year.
Complaint	If a parent, guardian, pupil or any individual or organisation feels that an element of the academy's service is unsatisfactory or unacceptable then that is a valid complaint.
Complainant	A Person or organisation who makes a complaint.
Education Funding Agency	The Education Funding Agency (EFA) is the Government department that is responsible for both funding and monitoring standards in Academies.
Governing Body	The Academy Trust delegates the running of the Academy to the Governing Body. The Governing Body is also known as the Board of Directors. Academy Governors delegates the day-to-day management of the Academy to the Head teacher and their staff. Apart from Staff Governors, other Governors are non-executives in that they receive no payment for being a Governor.
Grievance	A 'grievance' is the term used for a complaint brought by a member of staff and is not dealt with in the complaints policy and procedures.
Panel Members	The Governors Complaints Appeal Panel members are those Governors, and any independent persons, appointed by the Governors to hear a Stage 4 complaint.
Head teacher	The Head teacher is the term used in the Academies Act 2010. The Head teacher may also be known as the Principal.
Secretary to the Governors	The Secretary to the Governors may also be referred to as the Company Secretary or Clerk to the Governors.
Vice Principal	A Vice Principal is a senior member of staff that reports directly to the Head teacher. They may also be referred to as Deputy Headteacher or Assistant Headteacher.
Working Day	Academy term-time weekdays excluding bank holidays, weekends and school holidays.

Annex 2 – Conduct of Governing Body Complaints Appeal Panel

1. The Secretary to the Governors will write and inform the complainant, any witnesses and the panel of the date and location of the meeting at least **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 will explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Head teacher has the right to bring representation if so desired.
2. The panel can:
 - 2.1. Dismiss the complaint in whole or in part;
 - 2.2. Uphold the complaint in whole or in part;
 - 2.3. Decide on the appropriate action to be taken to resolve the complaint;
 - 2.4. Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
3. The individual Governors sitting on the appeal panel should bear the following in mind:
 - 3.1. It is essential 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.
 - 3.2. 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.
 - 3.3. 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.
4. The Secretary to the Governors is the contact point for the complainant and will:
 - 4.1. 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;
 - 4.2. Collate any written material and send it to the parties in advance of the hearing;
 - 4.3. Meet and welcome the parties as they arrive at the hearing;
 - 4.4. Record the proceedings;
 - 4.5. Notify all parties of the panel's decision.
5. The Chair of the panel has a key role in ensuring that:

- 5.1. The remit of the panel is explained to all parties;
 - 5.2. Ensuring that all parties have the opportunity of putting their case without interruption;
 - 5.3. Parents and others who may not be used to addressing a formal panel are made to feel comfortable;
 - 5.4. The proceedings are fair and objective and employ the principles of natural justice.
6. The usual conduct of the meeting will be:
- 6.1. The Chairman of the panel will welcome the complainant, introduce the panel members and explain the procedure.
 - 6.2. The Chairman of the panel will invite the complainant to explain the complaint.
 - 6.3. The Committee members may question the complainant about the complaint and the reasons why it has been made.
 - 6.4. The Head teacher will be invited by the Chairman of the panel to question the complainant about the complaint and why it has been made.
 - 6.5. The Chairman of the panel will invite the Head teacher to make a statement in response to the complaint. At the discretion of the Chairman of the panel the Head teacher may invite members of staff directly involved in the complaint to supplement his/her response.
 - 6.6. The Committee members may question the Head teacher and/or members of staff about the response to the complaint.
 - 6.7. The Chairman of the panel will allow the complainant to question the Head teacher and/or members of staff about the response to the complaint.
 - 6.8. Any party has the right to call witnesses, subject to the approval of the Chairman of the Committee.
 - 6.9. The Committee, the Head teacher and the complainant have the right to question any such witness.
 - 6.10. The Head teacher will be invited by the Chairman of the panel to make a final statement.
 - 6.11. The complainant will be invited by the Chairman of the panel to make a final statement.
 - 6.12. The Chairman of the panel will explain to the complainant and the Head teacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **10 working days**. The Chairman of the panel will then ask all parties to leave except for members of the Committee.
 - 6.13. The Committee will then consider the complaint and all the evidence presented and;
 - 6.13.1. Reach a decision on the complaint and the reasons for it;
 - 6.13.2. Decide upon the appropriate action to be taken to resolve the complaint.

Annex 3 – Complaints Form

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

Your name:

Pupil's name (if applicable):

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: