



CENTRAL LEARNING
PARTNERSHIP TRUST

COMPLAINTS PROCEDURE
APRIL 2014

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1.0 Overview

From 1 September 2010 academies are required under the Education (Independent School Standards (England) Regulations 2010 Schedule 1, Part 7 to have in place the procedure by which complaints from parents/guardians of pupils are handled.

A complaint is an expression of dissatisfaction, however made, by a person or persons, with a legitimate interest in the Academy but not being employed at the Academy or the Governing Body, about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the support or teaching staff employed at the Academy.

Complaints are not always easy to define. It is therefore important to keep in mind the distinction between concerns, problems and complaints. They often arise from the consequences or perceived consequences of resource allocation, operational difficulties, working practices or individual action. It is not intended that the guidelines suggested in this document should replace the normal discussion which takes place on day to day problems and concerns as they arise. It is only where the complainants remain dissatisfied with the outcome of such discussion that further steps may be needed.

It is tempting to say that anonymous complaints should be disregarded but the danger in this is that they may be related to something quite serious and if the foreseen eventuality occurs, to the detriment of the Academy, the complaints may surface subsequently and say, "Well, I may not have put my name to it, but I did at least warn them it was going to happen." Such complaints should be left to the Headteacher's discretion to decide whether the gravity of an anonymous complaint warrants investigation.

2.0 Complaints Procedure Principles

The underlying principle of our complaints procedure is that where possible, complaints should be resolved informally. It may be that following the stages outlined in these guidelines, formal procedures may be avoided. However, this procedure describes formal steps that can be taken by complainants should they feel that their concerns cannot be resolved informally.

In most cases the person who is the subject of the complaint will receive the first approach. It is helpful if staff attempt to resolve issues on the spot, including apologising where appropriate and necessary.

In the event of complaints being received by the Governing Body from parents/guardians, the Chair of the Governors should refer the complainant to the Headteacher (unless it is about the Headteacher). The Headteacher should follow the informal procedure to resolve the complaint.

3.0 Aims and Timescale

The main aim of the guidelines is to ensure that:

- the complaint is considered fully, fairly and carefully
- the complainant is kept informed at all stages
- the complaint is resolved to the satisfaction of the complainant or,
- a clear decision is issued to enable the complainant, the Headteacher and the Governing Body to consider how the matter can be resolved

The timescale for dealing with individual complaints will differ according to the complexity of the issue concerned. Unless there is good reason not to do so, the complainant should receive an acknowledgement/response within five working days of making initial contact.

4.0 Complaints Process

Stage 1: Informal Procedure – Part 1 with member of staff. Part 2 complaint referred to the Headteacher.

Stage 2: Formal Procedure – written complaint sent to the Chair of Governors.

Stage 3: Appeal Hearing

Timescale for the management of a complaint

Complaint panel membership

Parents/guardians role

5.0 Investigating Complaints

It is suggested that 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 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, findings and recommendations

6.0 Resolving Complaints

At each stage in the procedure the person investigating should 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

Complainants should be encouraged to 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.

7.0 Presence of children at formal and informal meetings concerning complaints

An important purpose of the Academy is to provide a high standard of education and pastoral care for all its students. However, it is unlikely that the resolution of a complaint within these guidelines will be assisted by the presence of students at any meeting between the Headteacher, other staff and the complainant. A meeting which required the presence of a student would only be one at which confidential matters or issues relating to named members of staff were not discussed. Senior staff are advised to consult parents/guardians if their child is required to clarify facts concerning a complaint and ensure that students do not participate in discussion where they might witness confrontations between adults.

8.0 Stage 1 - Informal Procedure – Part 1

The complainant should raise their complaint directly with the person whose actions or behaviour it is about. If this does not result in a satisfactory resolution, the complaint should be raised with the Headteacher making clear that it is a complaint.

A degree of discretion by the Headteacher should always be allowed in dealing with complaints. It may not be appropriate in all situations to advise all complainants to put their concerns in writing. In some cases this could over-formalise the situation and push people into defensive and possibly entrenched positions from which it could be difficult to achieve a resolution. On the other hand, requesting a complainant to commit their concern to paper may help to clarify the issue, particularly with a frequent complainant.

Colleagues to whom the complaint has been referred by the Headteacher have a duty to inform the Headteacher if any issue is not resolved after discussions and careful explanation to the complainant. In some circumstances, the Headteacher will refer complainants to the appropriate member of the Leadership Team. In the absence of the Headteacher, urgent complaints will be dealt with by a Deputy Headteacher.

8.1 Stage 1 - Informal Procedure – Part 2

Further attempts to resolve the issue informally, if not achieved by discussions with senior staff, should involve the discussion of the matter by the complainant with the Headteacher. However, it is not appropriate for complainants to keep being asked to return for further informal discussion. If the issue remains unresolved to the complainant's satisfaction, he/she should be advised of the avenues available to enable the complaint to be resolved formally. Those dealing with complaints should consider whether or not to invite to the informal discussion any staff member named as involved in the matter. However, hostile confrontation and entrenched defensive positions will not aid resolution of the problem, and should be avoided.

Senior staff will use their professional judgement in sharing with staff information concerning complaints.

However, a member of the teaching staff or support staff has a right to be informed if a serious complaint is made against him or her, and may wish to consult their professional association or legal advisor in defending themselves.

When these informal processes have been exhausted, the complainant should be informed clearly by the Headteacher either, that the matter about which the complainant had raised concerns had been dealt with by senior staff within the context of established Academy policies and procedures; or he/she will take steps to resolve the complaint within his/her management remit; or he/she will refer the matter to the Governing Body if the nature of the complaint merits that course of action in their professional judgement. In determining which course of action to take, the Headteacher may consult the Chair of Governors. The complainant will be given a summary of the outcome within ten working days. Annex A provides procedural advice for senior leaders in conducting interviews with complainants at the informal stage.

9.0 Stage 2 - Formal Procedure

If the complainant remains dissatisfied, the Headteacher should advise them of their right to make a formal complaint to the Governing Body. This should be done in

writing to the Chair of Governors, via the Clerk to the Governors, within seven working days of the date of notification. The Chair will decide whether the complaint should be dealt with by letter or by a formal meeting. If the Chair decides to convene a formal meeting of Governors, the complainant must be advised that they can have someone of their choice to accompany and assist them at the formal meeting.

The Clerk to the Governors will acknowledge receipt of the written request within ten working days of receipt. If a hearing is required the complainant must be informed that a complaints panel will be held within twenty working days of receipt of the written complaint.

10.0 Stage 3 - Procedure for the Governing Body Complaints Panel

Individual complaints must 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.

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 complaints
- making recommendations on policy as a result of complaints

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair. One member of the panel will not be a member of the Governing Body as he/she must be independent of the management and running of the Academy.

10.1 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur
- provide the complainant and where relevant, the person complained about, with a copy of the findings and recommendations

Governors sitting on a complaints panel need to remember:

- Governors sitting on the panel need to be aware of the complaints procedure.
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor can 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 must try to ensure that it is a cross-section of the categories of governors 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 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.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/guardians often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. 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. Annex B describes roles and responsibilities of the Clerk, Chair of Governors (or nominated Governor) and Chair of the Panel.

11.0 Vexatious Complaints

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

Complainants who are not satisfied with the way in which their complaint has been handled by the Academy, should contact the Education Funding Agency:

www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form

12.0 Complaints about the Executive Headteacher/Headteacher

Complaints should be made in writing to the Chair of Governors for initial consideration, addressed to the Clerk to the Governors at the Academy address. He/ she will decide whether to deal with it personally, or convene a Sub-Committee of the Governing Body using the same timings as per the Formal Stage above.

13.0 Governing Body Review

The Governing Body, via Chair of Governors, 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. Preferably, complaints information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to improvement of the Academy. When individual complaints are heard, it may identify underlying issues that need to be addressed.

Procedural advice for senior leaders in conducting interviews with complainants at the informal stage

In conducting an interview with complainants, Senior Leaders should:

1. Have regard to confidentiality at all times. The need to treat conversations and correspondence as confidential is of paramount importance. From the outset all parties to a complaint should be made aware of this advice.
2. Endeavour at all times to conclude the informal procedures as quickly as possible unless there is a good reason not to do so the complainant should receive an acknowledgement/response within five working days of making initial contact.
3. Listen attentively and sympathetically to the complainant, allowing them to explain their concern(s) in their own way, and then, if necessary, try to identify the issue(s) by asking questions and clarifying what has been said.
4. At the end of the interview with the complainant, decide if it is possible to:
 - (i) make an immediate response to their concern(s);
 - (ii) in many situations, it may be necessary to tell them that their concern(s) will be carefully considered and when all the facts and circumstances have been ascertained, they will be contacted within ten working days and informed of the Academy's response to their concern(s).
5. Avoid passing judgement or coming to conclusions before having spoken to any third parties and having considered all the aspects of the complaint.
6. If the complaint is against a third party, ensure that they have an opportunity to explain the situation as they see it, but not necessarily in the presence of the complainant.
7. Examine the general context and constraints of the situation and consider if there are any precedents.
8. When all the facts and circumstances relating to the matter have been ascertained, decide how the complaint(s) should be handled.
9. The complainant should then be clearly informed of the Academy's response to the complaint(s) and of the alternative formal procedure which are open to the complainant if he/she wishes to pursue them.
10. In some circumstances a resolution of the complainant's concern(s) may be achieved by informal discussions between the complainant and the Academy which leads to a reasonable resolution of the problem.

Roles And Responsibilities

1. The Role of the Clerk

All Complaints Panels will be clerked. The Clerk is the contact point for the complainant and be required to:

- (i) 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
- (ii) collate any written material and send it to the parties in advance of the hearing
- (iii) meet and welcome the parties as they arrive at the hearing
- (iv) record the proceedings
- (v) notify all parties of the panel's decision

2. The Role of the Chair of the Governing Body or the Nominated Governor

The Nominated Governor role:

- (i) check that the correct procedure has been followed
- (ii) if a hearing is appropriate, notify the Clerk to arrange the panel

3. The Role of the Chair of the Panel

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

- (i) the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- (ii) the issues are addressed
- (iii) key findings of fact are made
- (iv) parents/guardians who may not be used to speaking at such a hearing are put at ease
- (v) the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- (vi) the panel is open minded and acting independently
- (vii) 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