



Complaints Policy

<u>Status of Policy</u>	<u>Date</u>
Agreed by Local Governing Bodies	
Agreed by Trust Board	Spring 2018
Next Review	Spring 2019



Statement of intent

Balmoral Learning Trust schools and academies pride themselves on the quality of teaching provided for the pupils. However, if parents have concerns they can expect any issues to be treated seriously by the school or academy in accordance with the school complaints document. This policy document is used to support schools to produce their policy.

The Complaints Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

A complaint can be brought by a parent/carer/guardian of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.

Within Balmoral Learning Trust the Headteacher of an individual school will be the first point of contact for complaints. The complaint may then be passed to the relevant member of staff to investigate further.

A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action, or failure to take action. Even when a complaint has been made, it can be resolved or withdrawn at any stage.

The procedure does not cover admissions, exclusions, S.E.N., curriculum or worship.

Aims

In line with the Education Act 2002, Balmoral Learning Trust schools and academies will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep people informed of any 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.
- The Trust Board would only become involved if the complaint cannot be dealt with at school level.

Dealing with concerns informally

The Trust recognises that a vast majority of complaints and concerns can be resolved informally. Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher, following the complaints form in Appendix 1.

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**;
- 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**;

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;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be conducted the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

Resolving Complaints

At each stage in the procedure the Academy / School will keep in mind ways in which a complaint can be resolved.

Vexatious Complaints

There may 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 is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Scales

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.

Special circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or Governing Body.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

The Governing Body will publicise their complaints policy and procedure in a shortened form in the following ways:-

- as part of the information given to new parents when their children join the Academy;
- on the Academy website.

Balmoral Learning Trust will publicise the Trust Complaints Policy on their website.

Balmoral Learning Trust Complaints Procedure

Stage One:

Complaint Heard by Staff Member at the Individual School or Academy within the Trust

• 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/School 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.

• The Academy/School will try to investigate and resolve every complaint in a positive manner.

• The Academy/School 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 member of the Senior Leadership Team. Where a complainant/parent or carer wishes to discuss a complaint with a member of staff they may be accompanied by a friend or chosen representative, interpreters will be available on request.

Where the complaint concerns the Head Teacher, the complainant can be referred to the Chair of Governors.

- Only complaints received in writing (preferably using the Complaints form in Appendix 1) 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.
- Line Managers or other delegated managers will investigate the complaint.

• Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the 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.

• 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.

• The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within 5 school 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 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.

• 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 (where a complainant/parent or carer wishes to discuss a complaint with a member of staff they may be accompanied by a friend or chosen representative, interpreters will be available on request), staff and any other person.

- 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.
- 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 / School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure.
- 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)
- This letter or report must be endorsed by the Head Teacher. 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 Head Teacher within 10 school days of receiving the response.
- If no further communication is received from the complainant within 10 school days it is deemed that the complaint has been resolved and should end.

Stage Two: Complaint Heard by Head Teacher

- If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to Stage 2 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.
- If the complainant is not comfortable with the Head Teacher dealing with the concern the process should move to Stage 3.
- After Stage 2 if the complainant is still dissatisfied the process will move to Stage 3.
- The same timings as in Stage 1 will apply.

Stage Three: Complaint Heard by Governing Body Complaints Committee

The complainant needs to write to the Clerk to the Governors as directed by the Head Teacher giving details of the complaint. The Clerk will convene a Complaints Committee, none of whose members will have been directly involved in previous consideration of the complaint. One of the committee members must be independent of the management and running of the Academy / School and one of the committee members must be a representative of the Trust Board along

with the Chief Executive Officer. The Complaints Committee will investigate the complaint and their decision is final.

- 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 school days and should inform the complainant of the arrangements for hearing the complaint within 20 school 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 school days of the date of the hearing to allow adequate time for the documents to be circulated.
- No person involved should have previous involvement in the complaint.
- The Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 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.
- 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.
- If the complaint is about the Head Teacher a hearing by Chair of Governors becomes Stage Two. If the complainant is unhappy he/she needs to write to the Clerk of Governors whereupon a panel of three to five (not previously involved) will hear the complaint. One of these panel members must be independent of the management and running of the Academy. Their decision will be final.

The Remit of the Complaints Appeal Committee

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.

There are several points which those sitting on a complaints panel need to remember:-

- 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.
- 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 often feel emotional when discussing an issue that affects their child. The panel Chairman will ensure that the proceedings are as welcoming as possible.
- The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc of the date and location of the meeting 5 school 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 Head Teacher has the right to bring representation if so desired.
- 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:-

- The Chair of the Committee will welcome the complainant, introduce the panel members and explain the procedure.
- The Chair will invite the complainant to explain the complaint.
- The Committee members may question the complainant about the complaint and the reasons why it has been made.
- The Head Teacher will be invited by the Chair to question the complainant about the complaint and why it has been made.
- The Chair will invite the Head Teacher to make a statement in response to the complaint. At the discretion of the Chair the Head Teacher may invite members of staff directly involved in the complaint to supplement his/her response.
- The Committee members may question the Head Teacher and/or members of staff about the response to the complaint.
- The Chair of the panel will allow the complainant to question the Head Teacher and/or members of staff about the response to the complaint.
- Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- The Committee, the Head Teacher and the complainant have the right to question any such witness.
- The Head Teacher will be invited by the Chair to make a final statement.
- The complainant will be invited by the Chair to make a final statement.
- The Chair 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 **15 school days**. The Chair will then ask all parties to leave except for members of the Committee.

- 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.

Roles and Responsibilities

The Role of the Clerk

The clerk is the contact point for the complainant and is 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 Chair of the Appeal Committee

The Chair 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;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.

Checklist for a Committee Hearing

The committee 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. Pupils 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 Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Head Teacher 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 Head Teacher 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.

Summary:

Complaint heard by Line Manager

- Issue resolved / Issue not resolved

Complaint heard by Head Teacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Issue resolved / Issue not resolved

Governors' complaints Committee meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming decision

Escalation of complaints following Stage 3

Should a complainant remain dissatisfied following a Stage 3 complaint they will be advised of their right to escalate their complaint to the following bodies:-

• Secretary of State for Education

If a complainant feels that the Academy has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Secretary of State for Education.

The Secretary of State for Education
Department for Education
Castle View House
East Lane, Runcorn
Cheshire, WA7 2GJ

Telephone: 0370 000 2288

Fax: 01928 738 248

Website: www.education.gov.uk/schoolcomplaints

• Ofsted

Ofsted can consider complaints if they affect the Academy as a whole.

Enquiries
National Business Unit
Ofsted
5th, 6th and 7th Floors
Piccadilly Gate
Store Street
Manchester
M1 2WD

Telephone: 0300 1234 234 (8am to 8pm Monday to Friday)

Email: enquiries@ofsted.gov.uk

Website: <http://www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain>

• Local Government Ombudsman

The Local Government Ombudsman currently considers school complaints in relation to school transport, special educational needs, school admissions, permanent exclusions and children who are out of school.

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614 (8.30am to 5pm Monday to Friday)

Website: http://www.lgo.org.uk/forms/ShowForm.asp?fm_fid=62



Appendix 1

Complaint form

Please complete and return to the Clerk to the Governing Body, c/o East Herrington Primary Academy, who will acknowledge receipt and explain what action will be taken.

Your name:.....

Student's name:.....

Your relationship to the Student:.....

Address:.....

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.....Postcode:.....

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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)?

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details.....

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Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: