



Complaints Policy

January 2018

Complaints Policy and Procedure

General Principles:

Birches Head Academy is committed to dealing with any concerns and complaints and dealing with them in an appropriate and regulated way. This document outlines what should be done, when, and how.

Initial contact

The school should 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 school is committed to dealing with complaints in a fair, open and honest way with the underlying principle that concerns ought to be handled, if at all possible, without the need for formal procedures. We give careful consideration to all concerns and complaints and deal with them as swiftly as possible, respecting any matters of confidentiality. We aim to resolve all matters through dialogue and mutual understanding and, in all cases, will put the interests of the student first. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases an approach to the **Form Tutor** or **Head of Year** in the first instance will hopefully be able to resolve an issue on the spot, including an apology where necessary should it be deemed appropriate.

Formal Process

1. 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. (Annex A. Stage One)
2. At each stage, the person investigating the complaint should ensure 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.
3. Throughout the procedure the school 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 school 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. An admission that the school could have handled the situation better is not the same as an admission of negligence. 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.

4. If properly followed, the complaints procedure will limit the number of complaints that become protracted and vexatious. 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 Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

5. Complaints will be considered, and resolved, as quickly and efficiently as possible. This procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits will be set and the complainant sent details of the new deadline and an explanation for the delay.
6. There are three stages to the school's formal complaints procedure as set out in Annex A. Each stage lists who will be involved, what will happen and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.
7. As part of the procedure –whilst maintaining confidentiality – the school will keep records of progress and outcomes of any complaints.
8. An unsatisfied complainant can always take a complaint to the next stage. If the school cannot resolve a complaint to the satisfaction of the complainant, the complainant may ask the Education Department of the local Authority to review the matter. Ultimately all complainants have the right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.
9. There are certain complaints that fall outside the remit of this complaints procedure, for example, staff grievances or disciplinary procedures curriculum or collective worship in a school. This complaints procedure does not replace the arrangements already in place for these types of complaint. Third party providers offering facilities or services through the school premises, or using school facilities will have their own complaints procedure in place.
10. This policy and its procedure will be publicised to all new students entering the school and available on the Academy's website.
11. The Governing Body has compiled this policy and procedure under the legal requirements.

Policy Review Framework

The policy should be reviewed annually (or sooner in the event of revised legislation or guidance).

Signed :Governor/Chair of Finance & Operations Committee

Date :

Annex A

Stage One

If an individual(s) wishes to raise a concern relating to the school or a service it provides, they are encouraged to speak or write to the relative member of staff immediately as set out in the table below:

Should the complainant indicate that he/she would have difficulty discussing a complaint with a particular member of staff, the school's senior office manager should refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaint should be referred to the Chair of Governors.

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

An approach to a governor should not be made at this stage, should this happen the complainant would be referred to the appropriate person. Governors are unable to act unilaterally on an individual complaint and should not be involved at this stage in case they are needed to sit on a panel at a later stage of the procedure.

The school will attempt to investigate and respond to complaints within 3 working days where practicable.

Type of issue:	Person to speak to:
Stage 1	
Pastoral (including attendance, care, behaviour, progress & achievement)	Form Tutor or Head of Year
Subject related	Subject Leader
Administration or examinations	Office Manager
Learning support	SENCO
Child Protection	Deputy Head: Pastoral

Stage Two

Where a complainant feels that a situation has not been fully resolved through contact with the appropriate member of staff at Stage One, or that their concern is of a sufficiently serious nature; they should make arrangements to discuss it with a senior member of staff. The school considers any such complaints very seriously and will investigate each case thoroughly.

Should the complainant indicate that he/she would have difficulty discussing a complaint with a particular member of staff, the school's senior office manager should refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaint should be referred to the Chair of Governors.

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

An approach to a governor should not be made at this stage, should this happen the complainant would be referred to the appropriate person. Governors are unable to act unilaterally on an individual complaint and should not be involved at this stage in case they are needed to sit on a panel at a later stage of the procedure.

The school will attempt to investigate and respond to complaints within 3 working days where practicable. Most complaints will normally be resolved at this stage.

Stage 2	
Curriculum	Deputy Head: Curriculum & Standards
Child Protection	Deputy Head: Pastoral
Reports and attainment	Assistant Headteacher: School Improvement
Premises	Office Manager
Inclusion Issues / Pastoral Care	Deputy Head: Pastoral
Community Issues	Office Manager

Stage Three

Where a complainant feels that a situation has not been fully resolved through contact with the appropriate member of staff at Stage Two, or that their concern is of a sufficiently serious nature; they should make arrangements to discuss it with the Headteacher

The school will attempt to investigate and respond to complaints within 3 working days where practicable. Most complaints will normally be resolved at this stage.

Stage Four

Only if a complaint is unresolved at Stage Three, or the complaint concerns the conduct of the Headteacher, should a formal complaint be made to the Governing Body.

The complainant should write to the Chair of Governors giving exact details of the complaint (please see Annexe B). The Chair, or a nominated governor, will then convene a Governing Body Complaints Panel.

Following a written acknowledgment of their complaint, the complainant will receive an invitation to attend a meeting of the Governors' Complaints Panel at a mutually convenient time, so that he/she can fully explain their complaint to the governors. The complainant may, if he/she wishes, attend the meeting with a relative, friend or adviser. The Headteacher and/or nominated member of staff will be present at the meeting to explain the actions taken at stages 1 and 2 and 3. The Headteacher will then be asked to leave the meeting if the committee decides.

A representative of the Local Authority will also be invited to attend.

The Governing Body will consider all notified complaints within a maximum of 15 school days of receipt a written complaint.

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 and make recommendations 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.

Notes:

- 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and 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.
- d) All governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities:

The Role of the Clerk

- 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 Panel

- 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 all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

After hearing all the evidence, the governors will consider their decision. The complainant will be notified of their decision in writing. Governors will do all they can at this stage to resolve the complaint to the complainant's satisfaction.

School Complaints Procedure

Complaint Form

Please complete and return to Miss R Leyland (Headteacher's PA) at **Birches Head Academy** who will acknowledge receipt and explain what action will be taken next.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Daytime Telephone number:

Evening Telephone number:

Please give details of your complaint:

What action, if any, have you taken to try and resolve your complaint?
(Who did you speak to, correspond with and what was the response?)

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

Are you attaching any paperwork? If so please give details:

Signature:

Date:

Official use

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: