

Eaton Primary School

An Evolution Academy Trust School

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Headteacher

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Policy	School Complaints Procedure
Date	December 2016
Review Time	3 Years
Status	Statutory
Statutory Guidance	Independent School Standards Regulations
Approval	Trust CEO / Headteacher

Individual School Complaints Procedure for parents and others. All academies must have a complaints procedure and must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7.

Procedures must be set out in writing, made available to parents and set out clear timescales for the management of the complaint.

The complaints procedure must consist of at least three stages:

1. informal (usually a meeting with the complainant)
2. formal (the complaint is put in writing)
3. a panel hearing

If the complaint progresses to the final panel hearing stage, the academy must:

1. allow the parent(s) to attend and be accompanied if they wish

2. ensure at least one member of the panel is independent of the management and running of the academy

The panel cannot be made up solely of representatives from the school's Advisory and Improvement Group (SAIG) because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

The role of the EFA

The EFA ensures academies comply with their funding agreements. A complaint to the EFA means they will check whether the complaint has been dealt with properly by the academy; considering complaints that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where an academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if the EFA find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, the EFA will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

School Complaints Procedure

The Academy must 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.

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. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

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.

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial and non-adversarial
- act in a timely manner and keep people informed of the 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 Academy's senior management team so that services can be improved

Investigating Complaints

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 to 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 and keep notes of the interview

Resolving Complaints

At each stage in the procedure the Academy will consider ways to resolve a complaint. 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 and / or 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. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

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 the School Advisory and Improvement Group is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. 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 Formal Complaints Procedure

The Stages of Complaints

At each stage there should be clarification of exactly who will be involved, what will happen, and how long it will take must be communicated. 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 principal after a meeting with the complainant.

- Stage One: Complaint heard by staff member (though not the subject of the complaint)
- Stage Two: Complaint heard by Headteacher or member of management team
- Stage Three: Complaint heard by School Advisory and Improvement Group (SAIG), EAT Directors and / or independent individuals forming a complaints appeal panel

An unsatisfied complainant can always take a complaint to the next stage.

If a complaint concerns the conduct of the Principal and / or where the Principal or a SAIG member has been involved in the issue previously, the process for dealing with this complaint must be explained.

Managing and Recording Complaints

A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record. All correspondence, and statements and records of complaint must be kept confidential.

SAIG or Director Review

The SAIG can 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. Complaints information shared with the whole SAIG will not name individuals.

The process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the Academy, SAIG or Directors can be a useful tool in evaluating an Academy's performance.

Implementation

Stage One: Complaint Heard by Staff Member

It is in the interests of everyone 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, if staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if the Academy respected 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 complainant may be offered opportunity to meet another staff member. Where the complaint concerns the Principal, the complainant should be referred to the Chair of the SAIG.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, it may be possible to refer 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.

If the first approach is made to a SAIG member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. SAIG members 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.

Stage Two: Complaint Heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by SAIG, EAT Director and / or independent individual Complaints Appeal Panel

The complainant should write to the Chair of the SAIG giving details of the complaint. The Chair, or a nominated SAIG member, will convene a complaints panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy.

This 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 SAIG 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.

A SAIG 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 appeals
- 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.

The Remit of the Complaints Appeal 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

There are several points which any person sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person 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, SAIG members need to try and ensure that it is a cross-section of the personnel available and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, is 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, 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.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it

would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- The personnel sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The role of the Clerk

Any panel considering complaints should be clerked. The Clerk would be 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 Chair:

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

The Chair of the Panel should ensure that:

- the remit of the panel and timescales involved are explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed and 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 give all parties the opportunity to consider and comment on it

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is to within the agreed timescale. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed; parents that are not satisfied about the handling of their complaint should contact the EFA via the EFA complaints form on their website.

Checklist for a Panel Hearing

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
- 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 Principal 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 chair explains that both parties will hear from the panel within an agreed time scale

Review and Evaluation

The Headteacher will monitor and evaluate this procedure on a regular basis and clearly signpost parents that are not satisfied about the handling of their complaint to the EFA via the [schools complaints form](#).

December 2016.