

## **Complaints Procedure**

### **Aims and principles of the policy**

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between the school and all those involved

All staff, parents and carers at the school are made aware of this complaints policy.

It is in everyone's interest that complaints are resolved at the earliest possible stage. All efforts will be made by Read Academy to handle concerns without the need for formal procedures. This procedure does not undermine the efforts to resolve the concern informally. It would be helpful if staff were able to resolve issues on the spot.

The 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. The formal complaint will need to be made in writing.

## **The Stages of the Complaints Process**

### **Stage 1 (also known as the Informal Stage)**

Parents have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the parent the nature of the concern, and reassures them that the school wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.

If the member of staff first contacted cannot immediately deal with the matter, a clear note is made of the complainant's name, address/phone number together with the date.

Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure that the referral has been successful.

On certain major issues, the Headteacher may decide to deal with concerns directly at this stage.

The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.

Where no satisfactory solution has been found within 10 days, parents are asked if they wish their concern to be considered further. If so, they are given clear information about how to proceed and at this point the complaint is progressed to stage 2.

## **Stage 2: Referral to the Headteacher (or designate) for investigation**

At this stage it has become clear that the concern is a definite complaint. In some cases the Headteacher has already been involved in looking at the matter; in others it is his/her first involvement. As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their grievance.

### **Procedure for school to use at Stage 2**

The Headteacher acknowledges the complaint orally or in writing within 3 working days of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be written within 10 working days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

The Headteacher provides an opportunity for the complainant to meet him/her to supplement any information provided previously. It is made clear to the complainant that if s/he wishes s/he may be accompanied to any meeting by a friend who can speak on his or her behalf.

If necessary, the Headteacher should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/carers present. In some situations circumstances may prevent this. If so, another member of staff with whom the pupil feels comfortable should be asked to attend. If a

member of staff is complained against, the needs of that person should be borne in mind.

The Headteacher keeps written records of meetings, telephone conversations, and other documentation.

Once all the relevant facts have been established, the Headteacher should then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

A written response includes a full explanation of the decision and the reasons for it. Where appropriate this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Panel within five weeks of receiving the outcome letter.

If a complaint is against the action of a Headteacher, or if the Headteacher has been very closely involved at Stage 1, the chair of the panel should carry out all the Stage 2 procedures.

### **Stage 3: Review by the Panel**

Complaints only rarely reach this formal level, but it is important that the Panel is prepared to deal with them when necessary. At this stage, the school should seek advice from any relevant authority.

It is important that this review is not only independent and impartial but that it is seen as being so. **If an individual member of the Panel is approached with a complaint, the complainant should be referred directly to the Headteacher. The member of the Panel should not normally become involved in the complaints procedure.** If an individual from the panel decides to take up a

complaint on behalf of an individual or a group, s/he should not take any part in the formal hearing of the complaint.

Complaints should not be raised at full meetings of the Panel and should not be reported to the panel until resolved by the appropriate Panel and then not in detail.

Parents inevitably see many complaints as being 'against' a particular member of staff. However, complaints reaching this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure. It may be appropriate for the Panel to consider that the complaint is against the school rather than against the member of staff whose actions led to the original complaint.

### **Procedure for review by the panel**

Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed.

A member of the Panel should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by a Panel of three individuals appointed by the proprietor within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the Panel members.

Read Academy will make provisions for the hearing before the Panel of at least 3 people who were not directly involved in previous consideration of complaint.

Where the panel is convened one person of the Panel will be independent of the management and running of the school.

It may be necessary for the proprietor to appoint reserves to this Panel to ensure that three individuals are available to carry out their task within the set time.

The Panel members should be individuals who have had no prior involvement with the complaint. The panel will want to be sensitive to issues of race, gender and religious affiliation. A chair should be elected.

The Chair of the Panel will ensure that the Panel hears the complaint within 20 working days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair of the Panel should prepare a thorough summary for sending to Panel members.

The Chair of the Panel will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

The Chair of the Panel should invite the Headteacher to attend the Panel meeting and to prepare a written report for the Panel in response to the complainant. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned - including the complainant - a least 5 working days prior to the meeting.

The involvement of staff other than the Headteacher is subject to the discretion of the Chair of the Panel.

It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his/her complaint has at least been taken seriously.

The Panel should remember that many parents are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The meeting should allow for:

- The complainant to explain their complaint and the Headteacher to explain the school's response;
- The Headteacher to question the complainant about the complaint;
- The complainant to question the Headteacher and/or other members of staff about the school's response;
- Panel members to have an opportunity to question both the complainant and the Headteacher;
- Either party to have the right to call witnesses (subject to the approval of the Chair of the Panel) and to have the right to question witnesses;
- Final statements by both the complainant and the Headteacher.

The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider the evidence presented, and a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and:

- reach a unanimous, or at least a majority, decision on the complaint;
- decide upon the appropriate action to be taken to resolve the complaint and, where appropriate recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

Read Academy will ensure that the complainant, proprietor, headteacher and where relevant the person complained about are given a copy of any findings and recommendations.

The letter to the complainant should explain how a further appeal can be made, and if so, to whom.

The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records. All correspondence, statements and records of complaints will be kept confidential.

#### **Stage 4: Beyond the Panel**

##### **The Secretary of State**

Complaints can be taken to the Secretary of State for Education and Employment under section 496 of the Education Act 1996 on the grounds that a Governing Body / Panel or LA is acting or proposing to act unreasonably, or under section 497 of the same Act, on grounds

that either the Governing Body / Panel or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. These powers relate to both community and voluntary schools.

### **The Local Government Ombudsman**

Complaints about the misadministration of Local Authority services including the way it operates any general school complaints procedure could be made to the Ombudsman. However the Ombudsman does not look at internal school management matters and usually expects that thorough attention has been given to a complaint locally before investigation.

## Complaints Form

Please complete and return.

Your name:

Pupil's name:

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:

### **Monitoring & Review**

It is the responsibility of the Head Teacher to ensure the implementation of this policy and to review it every two years.

