



## **Procedures for Handling Complaints**

**Review by Trustees:**

**July 2016**

**Adopted by Governing body of**

**Date/Minute Ref:**

**Next Full Review Due:**

**September 2018**

**Reviewer:**

**Director of Operations**

## **South Pennine Academies**

### **Handling Complaints**

**(Reviewed: June 2017)**

South Pennine Academies takes any concerns raised by students, parents and members of the local community seriously. This policy (which meet the Standards set out in the Education (Independent Academy Standards (England) Regulations 2010 Schedule 1, Part 7) identifies the structures that will ensure that any issues are resolved in a fair, balanced and transparent manner in line with our aim of providing a safe environment for learning.

#### **GENERAL PRINCIPLES**

- The resolution of a complaint provides the potential opportunity for the academy to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff/ governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Principal or Chair of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice should be immediately sought. Advice is also available from the Education Funding Agency.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the academy should consider how to make amends in an appropriate way.
- Staff and governors in academies should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the academy.
- All records pertaining to complaints should be stored by the academy for a period of XXX years, and should be available for inspection when requested.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

#### **ANONYMOUS COMPLAINT(s)**

- The academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the CEO who will decide what, if any, action should be taken. This is then be communicated back to the Principal for appropriate action.

## **RESOLUTION PRINCIPLES**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It **may** be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Academy will undertake a review of its policies and procedures in light of the complaint.

**None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy.**

## **CONFIDENTIALITY**

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a schools inspector, or under another legal authority.

## **PUBLICATION**

This Complaints Policy has been ratified by the Trustees, and will be reviewed annually. It will be published on the Academy's website and provided to parents and students on request by the Academy's office. A copy of this Complaints Policy will be provided to a complainant when a concern, difficulty or complaint is first raised.

A annual summary of complaints and resolution, at which ever stage will be provided for Local Governing Bodies. This summary will not include and names, or breach data protection.

## Academy Concern and Complaints Procedure

### Stage 1: Informal Concern heard by staff member

It is in everyone's interest that concerns and 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.

However, the academy respects the views of a complainant who indicates that he/she would have difficulty discussing a concern or complaint with a particular member of staff. In these cases, the member of staff receiving the complaint should refer the complainant to the Principal. Where the complaint concerns the Principal, the complainant should be referred to the Chief Executive Officer.

Where the initial approach is made to a governor, the next step would be to refer the complainant to *the SCITT Director* to initiate either Stage 1 or Stage 2 of the complaints procedure. It would be useful if governors did 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.

- Any member of staff i.e. reception staff who receive a concern/complaint should direct the complaint to *the SCITT Director*.
- An Initial Record of Concern form [Appendix 2] will be completed.. The complaint is acknowledged by telephone and any action to be taken will be explained to the complainant.
- Informal concerns will be dealt with as quickly as possible and the academy will communicate with the complainant within 3 working days of receiving the concern. Should this stage take longer to resolve their will be ongoing communication between the complainant and the Academy.

Should the issue not be resolved within Stage One or if the issue is of a particularly serious nature, such as a child protection issue, the Principal will be informed and an initial assessment/first evidence trawl will be completed

Should the issue not be resolved within stage 1, the complainant will be asked to put the complaint in writing and this will move to the formal stage.

### Stage 2: Formal Complaint reviewed by the Principal

Should the issue not be resolved within Stage One or if the issue is of a particularly serious nature, the Principal will be informed and the complaint will be investigated further. The Principal will delegate the task of collating the information to another staff member (nominated person), who will feedback to the Principal who will make the decision on the action to be taken. If the complaint is about the Principal then the complaint will be heard by the CEO.

- The complainant will be asked to put the complaint in writing (email is acceptable however we require a postal address to respond) and will then receive an acknowledgement of the complaint , and will be provided with a timescale for the completion of the investigation and reporting back to them with the outcomes, within 2 working days of receipt of the complaint, there will then be ongoing communication with the complainant inline with the agreed timescales
- An initial trawl of evidence will be conducted by the nominated person using the Handling Complaints ("Yellow") form [Appendix 3].
- The nominated person will then report the findings to the Principal
- The Principal will then make a decision based upon the evidence presented to either:

- a) Close the investigation; (nominated person informs complainant of any action to be taken); or
- b) Direct further investigation.

### **Stage 3: Investigation is extended**

After the initial assessment/first evidence trawl is completed by the nominated person and summarised for the Principal, he/she will decide whether the investigation should be extended and will delegate the task of further formal investigation to a senior member of staff who will then feedback to him/her. The Principal will then decide on any action to be taken at this stage and the complainant will be informed of the outcome

- The senior member of staff will be allocated to investigate further and will extend the investigation using the 'Formal investigation' form [Appendix 4]
- The complainant will receive a formal letter within 10 working days outlining the outcome of the investigation and the steps taken to ensure that the issue raised has been addressed
- The issue is then either (a) resolved to the satisfaction of the party raising the concern or (b) not resolved.

Should the issue still not be resolved within Stage Three the complaint will be heard by the Governing Bodies Complaints Appeal Panel.

### **Stage 4: Concern heard by Governing Body**

Following a decision at Stage 3, the complainant needs to write to the Chair of Governors giving details of the complaint and stating that they are not satisfied with the decision made at Stage 3.

- The panel can be drawn from the nominated members and may consist of three or five people and will include at least one member that is independent of the management and running of the Academy. The panel will nominate their own chair.
- A date for a meeting of the Governor's complaints panel meeting will be arranged
- The complainant will receive a letter inviting the complainant to the meeting giving 7 days' notice of the meeting
- Following the meeting a letter will be issued within 5 working days confirming the panel's decision

A record of the panel's decision will be retained by the academy and will be acted upon accordingly. The appeal hearing of the Governing Body Complaints Panel is representative of the whole Governing Body. The hearing therefore forms the last academy-based stage of the complaints process. Individual complaints would 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.

### **Notification of the Panel's Decision**

The Director of Operations and Finance will ensure that the complainant is notified of the panel's decision, in writing, with details of the panel's response within 5 working days of the hearing. The letter will explain any further rights of appeal and to whom they need to be addressed.

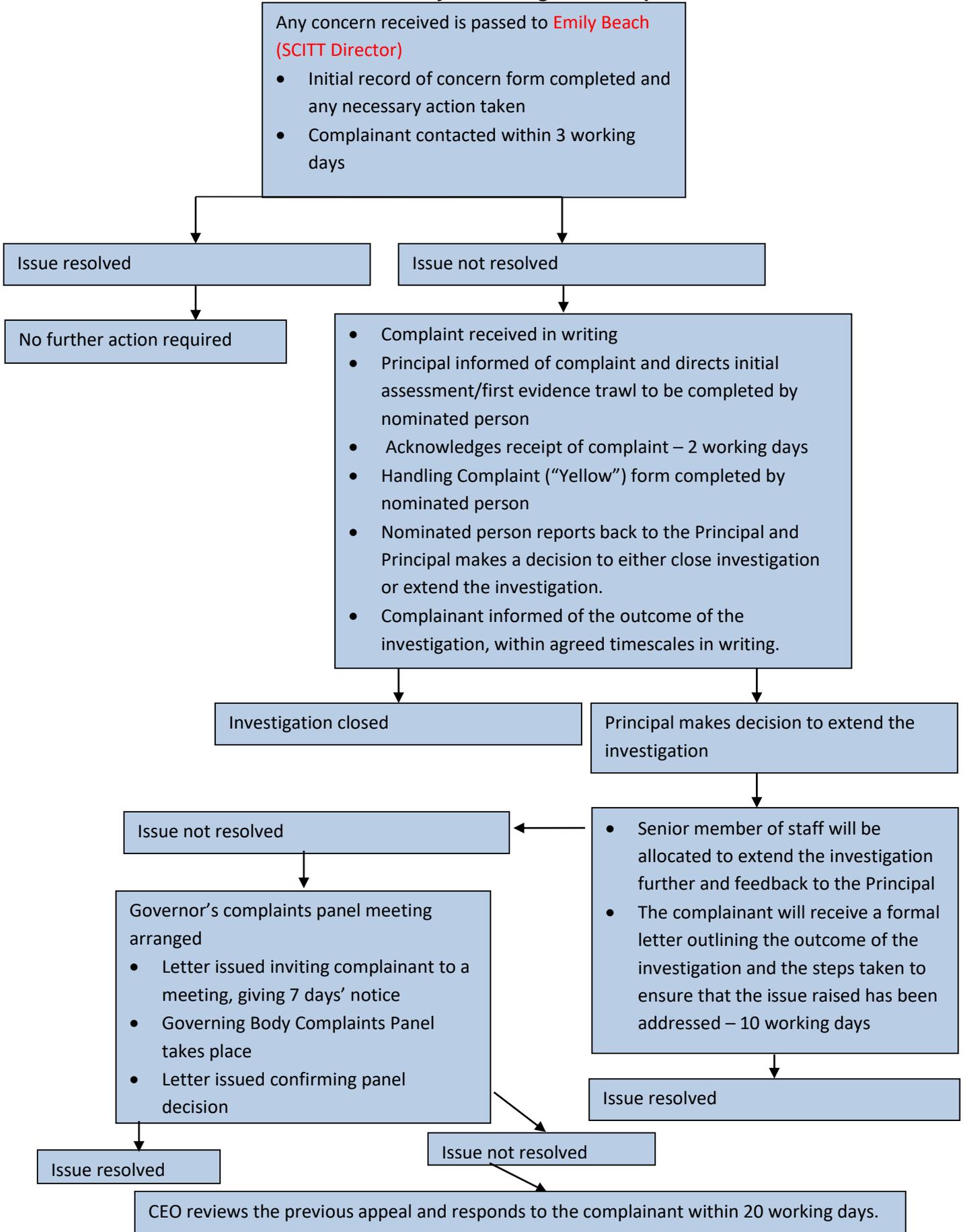
## **Stage 5: Appeal stage 2**

Following a decision at Stage 4, if the complainant remains dissatisfied they need to write to the CEO giving details of the complaint and why they remain dissatisfied. The CEO will review the previous appeal and respond to the complainant within 20 working days.

Only after exhausting the arrangements set out in this procedure for handling complaints will a complaint be able to progress the matter further to the Secretary of State. Complainants that are not satisfied with the way in which their complaint has been handled by the academy, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

<https://www.education.gov.uk/academys/leadership/academyperformance/academy-complaints-form>

### South Pennine Academies Flowchart: Summary of Dealing with Complaints



### Initial Record of Concern

**Name of concerned party:**

**Student's name (if relevant):**

**Relationship of concerned party to the academy:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of the concern (use additional sheets as necessary)**

**Facts found and action taken**

**Complainant spoken to date:**

**Signature:**

**Date:**

**Concern referred to Principal or closed:.....**

## Handling Complaints

Please attach hand written original notes, which are dated and signed where possible

Insert name/role to complete Initial assessment/first evidence trawl

Name of the person making the complaint/expressing concern: .....

Relationship to Academy: .....

Date of the complaint/concern: .....

How complaint was received: .....

The nature of the allegation/concern

Date: ..... Time: .....

Place/location of incident: .....

Date of alleged incident: ..... Time: .....

Student involved: ..... Form: .....

Student witnesses named by complainant: .....

.....  
.....

Staff involved: .....

Student(s) to be interviewed: .....

.....

Statements attached, dated and signed  tick

CCTV to be checked  tick

Camera no: ..... Date: ..... Time: .....

Copy DVD made: Yes / No

Description of CCTV footage

Staff to be interviewed: .....

Staff statements to be obtained: .....

.....

Further investigations required: Yes / No

Child Protection referral: Yes / No

Investigators' comments:

Pass to the Principal and Outline/summarise the facts obtained

Signed: .....

Date: .....

**Principal Decision**

Further investigation/action to be taken: YES / NO

By: .....

Principal signed: .....

Date: .....

**Further investigation, follow up and outline action taken with.....**

**Complainant**

- Letter sent?
- Meeting held?

**Student(s)**

- Unfounded or malicious allegation? Referral to social care?

**Staff**

- Disciplinary meeting/outcome?
- Referral to ISA if dismissal

Signed: .....

Date: .....

**A copy of all records must be forwarded to the CEO**  
*(Appendix 4)*

## **The Remit, roles and responsibilities of the Governing Body Complaints Panel**

### **The remit of the Governing Body 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.

Individuals sitting on a complaints panel will note and consider the following:

- 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, the panel will also include at least one member who is independent to the management and running of the Academy.
- b. The aim of the hearing, which needs to be held in private, i.e. only panel members and clerk to governors present, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it is recognised the complainant might not be satisfied with the outcome of the hearing.
- 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. When dealing with a complaint involving a minor, 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.
- e. Individuals sitting on the panel need to be aware of the complaints procedure.

### **Roles and Responsibilities:**

The person in charge of co-ordinating the complaints procedure at the academy is the Principal. Overall responsibility is retained by ME-AT through the Director of Operations and Finance. The role of Governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the complaint as above..

(A) The Director of Operations and Finance is the contact point for the complainant and is required to;

- Set the date and time of the hearing, ensuring 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
- Arrange for a record to be made of the proceedings
- Notify all parties of the panel's decision

### **(B) The role of the Chair of the Governing Body (or the Nominated Governor)**

The nominated governor role:

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

### **(C) The role of the Chair of the Panel**

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

- an explanation of the panel is delivered to the parties. Ensuring that 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 give all parties the opportunity to consider and comment on it.

### **Checklist for a Panel Hearing**

- 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 Principal may question both the complainant and the witnesses after each has spoken.
- The Principal 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 Principal 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 timescale