

COMPLAINTS PROCEDURE

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WITTON PARK ACADEMY COMPLAINTS PROCEDURE

Introduction

All academies must have a complaints procedure which must meet the standards set out in the Education (Independent School Standards (England)) Regulations 2014 (<http://www.legislation.gov.uk/ukxi/2014/3283/schedule/made>) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

Managing and Recording Complaints

In the terms of this procedure, a complaint is defined as a statement or expression of dissatisfaction by a service user, either parent or child or a member(s) of the public about the provision or standard of service, or lack of action or action specifically taken. This would include action or inaction by the Academy itself or a person or body acting on the Academy's behalf.

This procedure follows the guidance produced by the Education Funding Agency (EFA) in order to meet the specific standards and legislation required and to follow good practice.

Our Academy is totally committed to the provision of an extremely high quality service and therefore we welcome and encourage feedback from users of our services and members of the public in order to improve our service delivery.

Our complaints procedure consists of three stages:

1. Informal – this will consist of a meeting with a staff member and the complainant.
2. Formal – the complaint is put in writing.
3. Panel hearing – if the complaint progresses to the final panel hearing stage we will ensure:
 - a. We will allow the complainant(s) to be accompanied if they wish.
 - b. We will ensure that at least one member of the panel is independent of the management and running of the Academy. The panel will not be made up solely of governing body members/trustees because they are not independent of the management and running of the Academy and therefore we would not be able to guarantee objectivity.
 - c. The panel hearing will be comprised of at least three people who were not directly involved in the matters detailed in the complaint.

A written record of all formal complaints will be retained and whether they are resolved following the formal procedure or whether they proceed to a panel hearing. Any action taken by the Academy as a result of those complaints (regardless of whether they are upheld) will be recorded and the Academy will ensure that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

All complaints will be effectively monitored to ensure that there is a successful and prompt resolution.

How to Make a Complaint

Whether the complaint is made by a user of the Academy, eg parents of a pupil or pupils, or by people who are not parents of attending pupils our Academy procedure when dealing with a complaint remains the same.

Complaints may be made:

- in person (by prior arrangement with the relevant staff member).
- by telephone (01254) 264551.
- formally by letter addressed to:
The Headteacher
Witton Park Academy
Buncer Lane
Blackburn BB2 6TD
- by email: info@wittonpark.org.uk

Complaints should not be made via social media eg Facebook, text etc, as they may not be recognised as such or dealt with in an effective manner, as the monitoring of these media is not as rigorous as of those listed above and our aim is to address complaints as efficiently and effectively as possible.

It is important to note that complainants should conduct themselves in a polite manner and should recognise that it may not be always possible to see specific members of staff immediately, due to teaching and other work commitments. However, appointments will be scheduled as soon as they are available and with an appropriate staff member. Unacceptable behaviour, such as swearing, shouting or any violent acts will not be tolerated by the Academy under any circumstances and in this eventuality the complainant will be escorted from the premises until they can conduct themselves in a more appropriate manner.

Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries authorised by the complainant. Written authorisation from the complainant is required in order for a third party to act on a complainant's behalf. Where a third party is assisting a complainant with a particular complaint and written authority is held to that effect, if the representative asks to be kept informed of progress all possible steps will be taken to ensure that this happens. In regard to MPs and elected members of the Council, these are assumed to have consent to act and therefore information will be disclosed in response to their enquiries.

How we Deal with Complaints

Our Academy is committed to the advancement of equality, diversity and inclusion and seeks, through all policies, procedures and actions, to be a genuinely inclusive organisation, and draws for this on good practice throughout the education sector and wider economy with a view to integrating the principles of equal treatment and the promotion of diversity into all aspects of the Academy's day-to-day life. This is articulated in our Equality and Diversity statement. Therefore our aim is to ensure that our complaints procedure is understandable and accessible to all of our service users. Therefore staff will provide information on the complaints procedure for individuals wishing to make a complaint and provide any assistance that they may require. This may include:

- Arrangement of an interpreter for a specific language.

- Arranging appropriate provision for specific special needs and requirements, eg wheelchair access.

We will treat all complaints seriously and confidentially (and in accordance with the requirements of the General Data Protection Regulations 2018) and will act on all complaints with impartiality and objectivity. In order to improve our service delivery we will monitor the nature of complaints to identify any weaknesses in service delivery. In addition any person that makes a complaint will not be treated detrimentally following the complaint. We aim to ensure that all complaints will be dealt with in a prompt and professional manner and with courtesy. All staff involved and dealing with handling complaints will be suitably equipped to do so, with relevant training and assistance as and when required.

We will provide complainants with written responses where appropriate and if requested.

In order to ensure that our complaints procedure is effective, when a complaint has been fully investigated and closed we will ask the complainant to provide feedback on the way in which their complaint was dealt with and the ease of use of the complaints procedure and whether any improvements to the procedure can be made.

Anonymous Complaints

Anonymous complaints will be recorded and investigated in order to identify possible areas for service improvement. All staff are encouraged to gain the identity of the complainant where at all possible and the complainant should be assured that they will not suffer any detriment in the event of reporting a complaint. Anonymous complaints are unlikely to be effectively dealt with as the Academy would be required to correspond with or possibly meet with the complainant in order to effectively deal with and address any concerns. However, these complaints will still be investigated and recorded to identify possible areas of service improvement.

Exclusions from the Complaints Procedure

There are certain issues or concerns that are excluded from the complaints procedure, although the procedure does cover the majority of services undertaken either by or on behalf of the Academy. The procedure does not cover complaints relating to:

- Whereby the complainant or Academy has started legal proceedings or there is a right of redress within the law.
- Insurance claims.
- Complaints in regard to personnel matters or grievances, which are covered by a separate policy.
- Complaints made under the Whistle Blowing Policy.
- Complaints which the complainant was aware of more than 3 months before complaining to the Academy.

We reserve the right not to consider complaints that:

- Are malicious (ie they are instituted without sufficient grounds and serving only to cause annoyance).
- Use obscenities or racist or homophobic language.
- Contain personally offensive remarks about members of our staff.
- Are repeatedly submitted with only minor differences after we have fully addressed the complaint.

If a complaint cannot be considered under the policy, the Academy will advise the complainant on an alternative procedure to follow.

Stage 1 – Informal Complaint

Any member of staff can receive a complaint and should attempt to resolve the issue informally. The experience of the first contact between the complainant and the Academy is crucial in determining whether the complaint could escalate. It is in everyone's interest that complaints are resolved at the earliest possible stage and on an informal basis.

The Academy will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with the specific member of staff to whom it relates. In this instance the complaint should be passed on to the member of staff's line manager to investigate. If the complaint relates to members of the Senior Leadership Team this would be decided by the Head Teacher or nominated Deputy. If the complaint concerns the Head Teacher, the complaint will be referred to the Chair of Governors.

If the member of staff directly involved feels compromised in dealing with a complaint, they should inform their line manager whom may consider referring the complainant to another staff member.

If the first approach is made to a governor, the complainant would be referred to the appropriate person who will advise them about the procedure. Governors will 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 majority of complaints will be initially considered in this manner in order to resolve issues quickly, however, in certain cases it may be necessary for a complaint to be referred to the next formal, written stage, of the process. It would be necessary to refer the complaint to the next formal stage of investigation if the complaint involves issues of a serious or complex nature, for example theft, dishonesty or fraudulent activity.

A complaint or concern provided in writing will be acknowledged within 3 working days of receipt during term time either by telephone, email or letter. A matter raised in person or by phone would not necessarily be responded to in writing unless this is specifically requested. Unfortunately complaints forwarded during school holiday time may be subject to a delay in response due to limited numbers of staff being available during this time, however every effort will be taken to acknowledge receipt of the concern as soon as possible.

Any concern or complaint that has not been resolved by informal means within 15 working term time days must be notified in writing as a formal complaint and follow stage 2 of the procedure.

Stage 2: Formal Complaint

If at the end of stage 1 of the informal complaints procedure the complainant remains dissatisfied with the response provided, or if the complaint is of a serious or complex nature the complainant will be advised that they will have up to 28 days from the date the response was given in which to request that their complaint is progressed further. The full details of the complaint must be set out in writing and sent with all relevant documents and details to the Head Teacher (or other nominated senior staff member, where this would not be appropriate).

The complaint will be acknowledged by either telephone, fax, email or letter within 3 working days during term time and as soon as possible during the school holiday periods. An indication will be given in regard to the action that is being proposed and the possible timescales.

A senior member of staff or Governor may be appointed to act as an Investigator, in this instance additional information may be requested and the complainant may be spoken to personally, as well as other individuals, who are aware or have knowledge of the circumstances of the complaint. All interviews must be held confidentially and written records kept of all meetings together with supporting documentation. Additional professional support may be necessary as required. At the end of the investigation a report with a recommended conclusion (outcome) will be presented to either the Head Teacher or nominated senior staff member or member of the Governing Body for review and a decision made in regard to the outcome of the complaint.

Once the decision has been made the complainant will be informed of the outcome and any further action to be taken. If there are any exceptional circumstances which lead to a delay in a response the complainant should be notified accordingly.

The complainant will be informed of their right to present their complaint to a panel hearing on the outcome of the investigation and will be informed that they should inform the Clerk to the Governors in writing within 5 working days from the receipt of the outcome letter that they want to proceed to stage 3 of the procedure – Complaints Panel hearing. Care should be taken to either deliver the documentation by hand to the complainant or by recorded delivery in order to ensure proof of receipt.

Stage 3: Complaints Panel Hearing

A complaints panel hearing is a review of the decisions and outcome taken by the Head teacher or other nominated senior individual at the conclusion of the stage 2 formal complaint. At this point the panel will not consider any additional or new areas of complaint which have not been raised either at stage 1 or 2 of the formal complaints procedure.

The panel will consist of at least 3 people who were not directly involved in the matters detailed in the complaint and 1 member of the panel at least must be independent of the management and running of the school. The panel will allow for the complainant to be accompanied, or where authorised by the complainant represented by a third party. The panel will make findings and recommendations and it is stipulated that a copy of the findings and recommendations will be provided to the complainant and where relevant the person complained about. In addition a copy of the findings and recommendations will be kept available for inspection (by the Governing Body or EFA) on the school premises by the Head teacher or nominated senior staff member. Any action taken by the school as a result of the complaints, regardless of whether they are upheld, will be documented.

Individual complaints will 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.

A request for a hearing before the Complaints Panel must be put in writing to the Clerk to the Governors within 5 working days of the decision complained of. The request will usually only be considered if stages 1 and 2 of the process have been completed. The written request for a Complaints Panel hearing should include: copies of all relevant documents and full contact details; a list of documents which the complainants believe to be in the Academy's possession and that they wish the Complaints Panel to see; and whether the complainant proposes to be accompanied to the hearing by a legal representative, in which case this must be detailed in their initial request for a panel hearing. If the decision to be represented by a legal representative is taken after the initial request for a panel hearing and they wish to be accompanied by a legally qualified person, they must inform the Clerk to the Governors of this at least 5 working days prior to the hearing. The full details of all the grounds of the complaint and the outcome desired must be stated in the written request by the complainant.

The panel will be drawn from the nominated members and may consist of 3 or 5 people including independent members. The panel may choose their own chair. The complainant may ask the Clerk to the Governors to inform them who has been appointed to sit on the panel ahead of the hearing.

The Clerk to the Governors will acknowledge the request for a hearing in writing within 3 working days of receipt during term time and as soon as possible during the holidays, unfortunately if a complaint is received during the school holidays there can be a delay in response due to the limited number of staff available during this time.

The Clerk to the Governors will send written notification 10 working days prior to the hearing date to each member of the panel, the complainant and any third party representatives. This will include date, time and venue of the hearing.

Copies of any additional documentation that the complainants wish the panel to consider should be forwarded to Clerk to the Governors at least 5 working days prior to the hearing. The Clerk to the Governors will then circulate all relevant documentation to be considered by the Panel to all parties at least 3 working days prior to the hearing.

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 Governor or independent member sitting on a Complaints Panel needs to remember:

- 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, members need to try to ensure that it is a cross-section of the categories of population and sensitive to the issues of race, gender and religious affiliation and must include at least one panel member that is independent to the management or membership of the Academy.
- 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 Academy and the complainant.
- c) The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing any issues that affect 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) Extra care will 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 will 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 we will give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The Panel members sitting on the panel will be aware of the complaints procedure.
- f) It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel make recommendations on these matters or any other issues to the Head Teacher and or Governing Body as appropriate.

- g) If additional assistance is required in regard to any special need or disability the Clerk to the Governors should be informed in advance in order that appropriate arrangements are put into place.
- h) Complainants may be accompanied to the hearing by another person, for example a relative, teacher or friend. It must be recognised that the Complaints Panel hearing is not a legal proceeding and so legal representation is generally not necessary.
- i) At all times those attending the hearing are expected to conduct themselves with courtesy and restraint. No inappropriate behaviour will be tolerated and if, after due warning, unacceptable behaviour continues the hearing may be adjourned or terminated at the discretion of the Chair. If terminated the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must state this before allowing the proceedings to go any further and his/her comment will be minuted.
- j) The Chair may, at his/her discretion, adjourn the hearing for further investigation if required, of any relevant issue. This may include an adjournment to take legal advice.
- k) A hearing before the Complaints Panel is a private proceeding. At no point should any notes, records or oral statements about any matter discussed in or arising from the proceeding be made available directly or indirectly to the press or any other form of media, including social media. Confidentiality of the proceedings must be respected at all times.

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 Head Teacher or senior staff member may question both the complainant and the witnesses after each has spoken.
- The Head Teacher or senior staff member 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 or senior staff member 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 or senior staff member is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.

Roles and Responsibilities

The Role of the Clerk

The clerk will 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;
- Record and take a handwritten copy of the proceedings;
- Notify all parties of the panel's decision.
- Arrange any additional assistance in regard to special needs or disability in regard to arranging an interpreter for example.

The Role of the Chair of the Panel

The Chair of the Panel 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 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. No new issues are allowed to be submitted during the panel hearing.

Decision

The Chair of the Panel will ensure that the complainant is notified of the panel's decision, in writing. The Panel will reach a decision on a balance of probabilities unless there is an agreed position. The decision, findings and any recommendations will be confirmed in writing to the complainant normally within 5 working days of the hearing.

The decisions, a copy of the findings and recommendations will be kept available for inspection (by the Governing Body or EFA) on the school premises by the Head teacher or nominated senior staff member. Any action taken by the school as a result of the complaints, regardless of whether they are upheld, will be documented.

Further Engagement

In order to provide the best possible services to users of our services, or those that may be impacted by them we would welcome feedback from the complainant on their use of the Complaints Procedure and satisfaction with how their complaint was dealt with. We are constantly striving to provide an outstanding service and encourage feedback to support our achievement in this aim.

If at the end of the procedure the complainant is unhappy with the way in which a complaint has been handled the complainant is advised to complain to the Education and Skills Funding Agency using the Department for Education's complaints form:

https://form.education.gov.uk/submitform.php?form_id=cCCNJ1xSfBE

Or in writing to:

Ministerial and Public Communications Division
 Department for Education
 Piccadilly Gate
 Store Street
 Manchester M1 2WD

Publicising the Procedure

The Complaints Procedure is available on the school website, or on request will be provided in a hard copy form to a service user or member of the public.

