



The Crossley Heath School

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COMPLAINTS POLICY

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Version Control

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8225755

Responsibility:	Head Teacher (HT)
Status:	Statutory
Date for Review	May 2019

This policy does not cover complaints which are dealt with under separate procedures:

Child Protection - addressed under Safeguarding Policy and procedures

Admissions - addressed under Admissions Policy

Exclusions - addressed under Student Support and Behaviour Policy

Complaints about staff conduct - addressed under Discipline Policy

Complaints by staff – addressed under appropriate personnel policy

Whistle-blowing - addressed under Whistleblowing Policy

This policy complies with the Education (Independent School Standards) Regulations 2014, Schedule 1, part 7.

Purpose:

- Encourage resolution of problems by informal means wherever possible;
- Be accessible and publicised, including to third parties who hire Academy Premises and to the general public (via the school website or on request from Reception);
- Be simple to understand and use;
- Be non-adversarial;
- Ensure full and fair investigation by an independent person where necessary;
- Respect confidentiality;
- Address all points at issue, provide effective response and appropriate redress;
- Provide information to Senior Leaders so that provision and services can be improved;

Scope:

We aim to ensure that concerns are addressed quickly and informally, without the need for formal procedures. Our formal complaints procedures are instigated when initial attempts to address concerns are unsuccessful and the person/s raising the concern remains dissatisfied and wishes to take the matter further. This policy applies to complaints from parents of students currently attending the Academy AND any person/s who have a concern or complaint about any provision of services or facilities provided by the Academy (including parents or carers of children no longer at the Academy, and members of the public).

Procedures:

The Academy Trust is responsible for the operation and management of the Academy's Complaints Policy and procedures. This responsibility is delegated to the Head teacher.

The Head teacher delegates to the Complaints Co-ordinator responsibility for the day to day oversight of the complaints procedure and the holding of any records relating to complaints received.

The contact details of the Complaints Co-ordinator are available on the school website, or from the School Reception or Main Office.

Stages in our complaints procedure (Appendix A).

Please see the flowchart in Appendix A for the stages in our procedures.

The informal stage of the complaints procedure (Stage 1) should be exhausted before the matter is referred to the formal stage (Stage 2) and a Complaint Form (Appendix B) submitted. If any

substantial complaint is made to a member of staff which cannot be resolved informally to the satisfaction of the complainant, it must be referred to the Complaints Co-ordinator or to the Head teacher.

The Head teacher may deem the informal process exhausted and escalate the matter to the formal stage.

At each stage, a range of ways in which the concern or complaint can be resolved will be considered. These include:

- Acknowledgement that the concern/complaint is wholly, or in part, valid
- An apology
- An explanation
- An admission that the situation could have been better or differently handled*
- an assurance that the event will not recur
- an undertaking to review school policies or processes in the light of the concern/complaint

*an admission that the Academy could have handled the matter better is not the same as an admission of fault or negligence.

Persons raising concerns or complaints are encouraged to clearly state what actions by the Academy would resolve the matter for them.

Areas of agreement between the parties will be identified. Any misunderstanding which has arisen will also be clarified in order to facilitate a positive atmosphere in which to discuss outstanding issues.

Stage One: Informal – Concern heard by member/s of staff

In this stage, the relevant staff member/s will deal with the concerns raised. Most concerns can be resolved through discussion to the satisfaction of all parties. There is no exact time-scale for resolution at this stage because of the importance of enabling informal discussions. It is expected that in most cases, the issue/s would be resolved within five school days of the date the initial concern was raised with a member of staff.

Once a concern has been raised, the person/s raising the concern will be invited to discuss the concern by telephone or at an informal meeting with the relevant member/s of staff or by telephone if preferred. The person raising the concern will be asked what they think will resolve the issue. Relevant members of staff may include Department Leaders or Line Managers, or Senior Leaders.

Where an informal meeting takes place, the person/s raising the concern is welcome to bring a friend, partner or other supporter. It may be appropriate for a student to attend all or part of a meeting, depending on the nature of the issue.

Staff have a responsibility to ensure that the person/s raising the concern understand any future actions that have been agreed and should make a record of the discussion, including any outcomes or actions.

All staff will do their best to resolve concerns to the satisfaction of the person/s who raised them. If a resolution cannot be reached complainants are informed how to escalate their complaint to the formal stage (stage 2). The person/s will be asked to complete the Complaints Form (appendix B) and return it to the academy for the attention of the Complaints Co-ordinator within five school days. The Head Teacher will be informed and Stage 2 will be implemented.

Stage Two:

Note: If the complaint concerns the Head Teacher or a Governor, or where the Head Teacher or Governors have been previously involved, the matter will be referred to the Chair of Governors. If the Chair is the subject of the complaint, or has previously been involved, the matter will be referred to the Executive Leader or a member of the Governing Body not previously involved. Where the complaint relates to the full Governing Body, the complaint should be addressed to the Clerk to the Governing Body who will determine the appropriate course of action. The Academy reserves the right to refer the matter to an external body.

Level 1: Formal Complaint heard by Head Teacher (or by the Deputy Head Teacher (DHT) in circumstances where the Head Teacher has delegated this responsibility)

If the concern is not dealt with to the complainant's satisfaction in Stage 1, then the complainant must put the complaint in writing using the Complaints Form (appendix B). Some complainants may prefer to communicate in person, by telephone or through a third party (for example where the complainant has a disability, learning or language difficulty). In these circumstances the complainant, or their representative, should contact the Complaint Co-ordinator, making it clear that their complaint is formal. Whenever a formal complaint is received, it will be acknowledged in writing, on behalf of the Head Teacher, by the Complaints Co-ordinator.

The complaint will be investigated, usually by a member of senior staff appointed by the Head Teacher (or DHT).

The investigation will:

- Seek to establish what has happened so far and who has been involved;
- Clarify the exact nature of the complaint and what remains unresolved;
- Clarify what the complainant feels would put things right;

The investigator will:

- Contact the complainant if further information or clarification is required;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied by a colleague or union representative if they wish;
- Keep a record of any interviews;
- Request written statements or any other relevant documentation from staff or students

The Head Teacher (or DHT) will review the outcomes of the investigation and respond to the complainant within ten school days following receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

Where the response is initially provided at a meeting, the Head Teacher (or DHT) will thereafter write to the complainant within five school days outlining their response to the complaint and any action that has, or will be, taken. The Head Teacher (or DHT) will explain what has been decided, how they have reached their decision and will advise the complainant about how to take the matter to the next stage of the procedures (Stage 2b) if they remain dissatisfied.

Level Two: Formal Complaint heard by Chair of Governors

If the Chair of Governors has been involved at an earlier stage, the complaint must be referred to the Governing Body's Complaints Appeal Panel. If there has been no previous involvement, the complainant should write to the Chair of Governors, addressed to the Clerk to the Governing Body.

The Chair will acknowledge the complaint within three school days. The written acknowledgement should give a brief explanation of the school's complaints procedures and a target date for providing a response; this should normally be within 10 school days of receipt of the referral. If this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date. The Chair should also inform the Head Teacher.

The Chair should provide an opportunity for the complainant to meet him/her to provide information relevant to the complaint.

Following the meeting, the Chair will speak to the Head Teacher to establish what action has been taken already to resolve the complaint. The Chair will produce a written response to the complainant within five working days. This response will include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint.

The complainant will be advised that if s/he wishes to take the complaint further, s/he should notify the Governing Body's Complaints Appeal Panel, via the Clerk to Governors, within five school days of the Chair's response. The Governing Body's Complaints Appeals Panel will then be convened.

Stage Three: Complaint heard by Governing Body's Complaints Appeal Panel

On receipt by the Clerk of a request for the Governors' Complaints Appeals Panel to meet:

- The Clerk will inform the complainant of the timescales for any investigation. It is expected that any investigation and Appeal Panel hearing will normally be concluded within 14 school days of the referral of the complaint to the Clerk, however, the length of the process can vary, depending on the nature and complexity of the complaint. Where this is likely to exceed 14 school days, realistic timescales will be set for each stage of the process and the Clerk will send a new deadline, together with an explanation, to the complainant.
- The Governing Body Complaints Appeals Panel will consist of least three members, who have not previously been involved with the complaint. One of these must be independent of the school, for example, a governor or senior member of staff from another academy. The Clerk will attend the hearing to take minutes and record proceedings
- The Appeal Panel hearing will be held on reasonable notice to all parties and as soon as practicable after receipt of the referral.
- The procedure at the hearing (appendix C) will be at the discretion of the Chair of the Appeals Panel. It will be sensitive to, and appropriate for, the circumstances of the matter at hand.
- The Clerk will write to the complainant, the Head Teacher, the Chair of the Panel and Panel members giving details of the meeting, requesting copies of any documents and/or further representations to be put before the meeting and the names of any witnesses.
- The Clerk will ensure that all parties have access to the same documentation and set out a timetable to support collation and distribution of the documents. All documents must be submitted no later than five working days before the Appeal Panel hearing.
- The Clerk will inform the complainant of the right to be accompanied by a friend, advocate or supporter. The Clerk must be notified that the claimant will be accompanied, and by whom, no later than five working days before the Appeal Panel hearing.

- After the hearing, the Clerk will offer copies of the minutes of the hearing to all parties and provide an opportunity for the minutes to be agreed and, if necessary challenged, within five school days so that no additional complaints will arise because of the record of the meeting.

The Remit of the Complaints Appeal Panel

The panel can:

- Make findings and recommendations;
- 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.

The decision of the Governing Body Appeal Panel is final.

A copy of the findings and recommendations of the panel will be sent by letter (electronic mail is acceptable) to the complainant and, where relevant, to the person complained about, and will be available for inspection on the Academy's premises by the Head Teacher and the Academy Trust.

The Chair of the Complaints Appeal Panel will notify the complainant, via the Clerk, of the panel's decision in writing within five school days of the hearing. The letter will set out the decision of the panel together with an explanation for the decision. The letter will set out any recommendations for the Governing Body and any further rights of appeal.

If the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the local procedure has been exhausted. The letter will inform the complainant that if they wish to take the matter further they must direct their complaint to the Education Funding Agency (EFA) at:

<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure#complain-about-an-academy-post-16-institution-or-appeal-panel>

The EFA can only investigate the way in which the school has carried out the complaints procedure and not the nature of the complaint.

If a further complaint about the same subject is received from a relative of the original complainant, the Complaints Co-ordinator will inform the new complainant that the school has already considered that complaint and the local process is complete. The new complainant will be advised to contact the EFA as above, or the DfE. If the new complainant raises any new aspects that have not previously been considered these will be investigated and dealt with to the full extent of the complaints procedure.

Recording Complaints

The progress of any complaint that proceeds to Stage 2 or beyond (i.e. any complaints made in accordance with our formal procedures) will be recorded in writing by the Complaints Co-ordinator, including the final outcome/s.

The record will confirm whether the complaint was resolved following a formal procedure or was referred to the Governing Body Complaints Appeal panel. The record will note any actions taken by the Academy as a result of the complaint, regardless of whether the complaint was upheld. These

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findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the Head Teacher and the Academy Trust.

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 Education and Skills Act 2008 requests access to them.

Initial complaints may be made in person or by telephone. At the informal stage (Stage 1) a concern may be addressed to the satisfaction of all parties by telephone. At the end of any initial meeting, or any telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

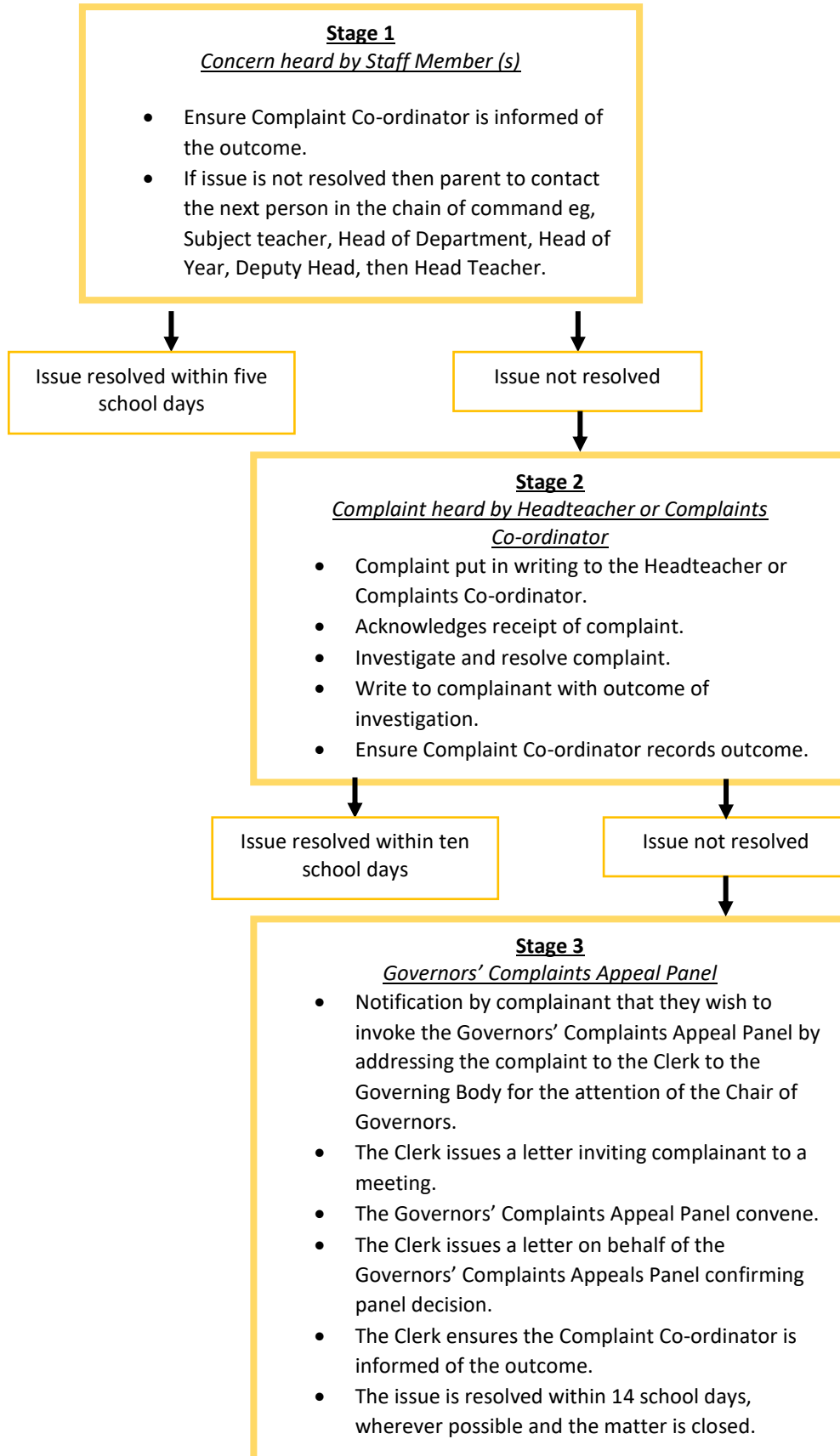
Monitoring and evaluation

The Governing Body will monitor the level and nature of complaints using the records kept by the Complaints Co-ordinator. Where possible, the names of individuals will be kept confidential. The policy will be evaluated in the light of complaints made and their resolution. Should the EFSA advise the Academy that the policy or procedures need amending, this will be done within any deadline set, and in any event, as soon as possible. Where changes in legislation require changes to the policy, this will be done as soon as possible.

Governing Body Review

The Governing Body will review the outcomes of monitoring on a termly basis to ensure the effectiveness of the policy and procedures and make changes where necessary.

Appendix A. Flowchart for the complaints procedure



If there is no resolution after stage 3, the complainant will be advised of how to take their complaint further if they so wish (details set out on page 6 of this policy).

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Appendix B: Complaints Form

Please complete and return to the Complaints Co-ordinator [c.heaton@crossleyheath.org.uk], who will acknowledge receipt and explain what action will be taken.

Your name:	
Students 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 already taken to try to 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:	

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<i>Office Use only</i>	
Ref:	
Date received :	
Acknowledged:	
By whom:	
Complaint referred to:	
Date referred:	
Resolution:	
Escalated to next stage:	
To whom:	
Date Escalated:	
Date resolved:	

Appendix C: Checklist for a Complaints Appeal Panel Hearing

The Governors' Complaints Appeal Panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend the part of the hearing in which they give their evidence.

Complaints Appeals Panel procedure

1. Introductions by the Chair of the Appeal Panel;
2. The complainant is invited to explain their complaint;
3. Any witnesses for the complainant are invited to address the panel;

The Head Teacher may ask questions of the complainant and witnesses after each has spoken.

4. The Head Teacher is invited to explain the school's actions and response to the complaint.
5. Any witnesses for the school are invited to address the panel.

The complainant may ask questions of the Head Teacher and witnesses after each has spoken.
The panel may ask questions at any point.

6. The complainant is then invited to sum up their complaint.
7. The Head Teacher is then invited to sum up the school's actions and response to the complaint.
8. The Chair explains that both parties will hear from the panel within five school days the minutes will be agreed and all parties will receive the panel's decision in writing.
9. The panel will consider the complaint, along with all evidence presented, and reach a majority decision on the complaint. Appropriate action to resolve the complaint will then be decided.

If there is no resolution after Stage 3, the complainant will be advised how to take their complaint further (see p. 7).