

# COMPLAINTS POLICY

JULY 2019

## Belmont Academy



## CONTENTS

The Stages of Complaint .....	3
The Stages of Complaints – The process .....	3
Formally Investigating Complaints .....	4
Resolving Complaints.....	5
Governing Body APPEAL AND POST CONCLUSION Review.....	5
APPEAL PROCESS.....	5
POST CONCLUSION REVIEW PROCESS .....	5
outcome remit of The Complaints Appeal Panel .....	6
Roles and Responsibilities .....	6
The Role of the Clerk to the Governors .....	6
The Role of the Chair of the Panel.....	6
Checklist for a Panel Hearing.....	7
Notification of the Panel's Decision .....	7
Time-Limits .....	7
Managing and Recording inFORMAL/FORMAL Complaints .....	8
Recording Complaints .....	8
Complaint Form.....	9

## Introduction

All our Academy staff are dedicated to providing all pupils with the best possible education. We will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and carers and believe that each Academy should work in partnership with parents, each carrying out their particular responsibilities to help the pupils gain the most from their time in statutory education. This procedure pertains to each Academy within the Belmont Woodside Federation and within the London South East Academy Trust.

Formal procedures will proceed when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Belmont Academy adopt a tiered approach in responding to formal complaints. This is to ensure complaints are responded to in a measured, fair manner from the outset.

## THE STAGES OF COMPLAINT

The following stages are likely to be sufficient:

- Stage One: Complaint heard by staff member (though not the subject of the complaint), known as the Complaint Co-ordinator
- Stage Two: Complaint heard by the Head of School, known as the Complaint Co-ordinator
- Stage Three: Complaint heard by the Executive Headteacher, known as the Complaint Co-ordinator
- Stage Four: Complaint heard by Governing Body's complaints appeal panel.

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

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- work in line with our Privacy Notice (GDPR 2018);
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping 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 senior management team including Executive Headteacher and/or Chair of Governing body when necessary so that services can be improved.

## THE STAGES OF COMPLAINTS – THE PROCESS

- 1) In the first instance all formal complaints must be in writing, either via letter or email.
- 2) Receipt of formal complaint will be acknowledged in writing to the complainant within 3 days of receiving it. This will commence the '*information gathering stage*'.
- 3) The '*information gathering stage*' must be completed within 10 days of receiving the formal complaint. The complainant will at this stage be notified of the findings and conclusion or will be formally notified that a Formal Investigation will commence where a formal Investigating Officer will be appointed.
- 4) Complaints must initially be directed to either the Line Manager or appropriate member of the Senior Leadership Team relevant to the area of complaint.
- 5) If the formal complaint relates to a member of staff outlined in Number 4 or if the complainant remains dissatisfied with the outcome and wishes to take the matter further then they can escalate to the Head of School.

- 6) **If the formal complaint relates to a member of staff outlined in Number 5 or if the complainant remains dissatisfied with the outcome and wishes to take the matter further then they can escalate to the Executive Headteacher.**
- 7) **If the formal complaint relates to the Executive Headteacher or if the complainant remains dissatisfied with the outcome and wishes to take the matter further then they can escalate to the Chair of the Governing Body where a Complaints Panel may be convened. This is considered the Appeal Process.**
- 8) **A Complaints Panel must be convened within 20 working days from receipt of notification of appeal. Complainants will be invited to attend the Panel with 7 days notice (including weekends), and have the option to be accompanied by either a work based colleague or union representations.**
- 9) **All parties will be notified of the Complaints Panels decision and any recommendations within 20 working days of the hearing concluding.**
- 10) **All copies of all the written records of the Complaints Panel will be stored in compliance with GDPR 2018.**

It is the responsibility of the member of staff receiving the complaint to follow the principles and process outlined in this document to ensure fair treatment of both complainant and respondent.

## **FORMALLY INVESTIGATING COMPLAINTS**

The complainant will be notified in writing if an Investigation has been initiated following the information process indicating this step is required. The name of the designated Investigating Officer will be identified and the process of investigation will include:

- meet with the complainant or contact them (if unsure or further information is necessary), providing 5 working days notice, allowing them to be accompanied if they wish;;
- clarify the nature of the complaint and what remains unresolved;
- establish what has happened so far, and who has been involved;
- 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;
- keep notes of the interview.
- Review all relevant documentation related to the complaint.
- respect participants right to confidentiality.
- complete an investigation report including recommendations.
- investigation report will be shared with the Head of School or the Executive Headteacher in the first instance, dependant on whom the complaint was originally made to.
- complainant will be notified of the investigation outcome within 5 working days of the investigation being concluded. This will be in writing but may also include a meeting in person.
- Investigations should always aim to be resolved fully (when complainant receives the investigation outcome) with 4 working weeks of the investigation commencing.
- if a complainant remains dissatisfied they can make an appeal within 5 days of receiving the investigation outcome, in writing to the Chair of Governing Body.
- the Chair of Governing Body will assess the appeal claim and must make a determination as to whether the appeal is either denied or upheld. This decision will be made within 15 days of receiving the appeal in writing.

## **RESOLVING COMPLAINTS**

At each stage in the procedure we will consider ways to resolve a complaint including following an investigation. 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;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- re training;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review of policies and/or processes in light of the complaint.
- Initiation alternative formal next steps processes, including but not limited to; HR (and all related policies and procedures).

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. Failure to state what actions they desire, must not prevent the complaint process from continuing. An admission that an 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.

## **GOVERNING BODY APPEAL AND POST CONCLUSION REVIEW**

### **APPEAL PROCESS**

Upon receipt of a formal complaint the Chair of the Governing Body will arrange for all information on the complaint to be collated and will convene a Governing Body Complaints Panel within 20 working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of any of the Academies.

The appeal hearing by the Governors' Complaints Panel is the last internally-based stage of the complaints process and will review the earlier stages of the process together with any additional information that is available. Individual complaints are not 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.

The complainant will be invited to the appeal hearing of the Governors Complaints Panel and will be given at least 7 days notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

### **POST CONCLUSION REVIEW PROCESS**

Upon receipt of a formal complaint the Chair of Governors, or a nominated governor, will arrange for all information on the complaint to be collated and will convene a Governing Body Complaints Panel within 20 working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Federation.

The appeal hearing by the Governors' Complaints Panel is the last Federation-based stage of the complaints process and will review the earlier stages of the process together with any additional information that is available. Individual complaints are not 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.

The complainant will be invited to the appeal hearing of the Governors Complaints Panel and will be given at least 7 days notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

# **OUTCOME REMIT OF THE COMPLAINTS APPEAL PANEL**

The Governing Body Complaints 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 systems or procedures to ensure that similar problems do not recur.
- Recommend and/or initial formal proceedings in line with HR Policy and processes and any other policies they deem applicable.

Governors or any independent members of the Appeals Panel will keep certain points clearly in mind:

- 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 Complaints Panel if they have had a prior involvement in the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel who feel their independence might be compromised in this or any other way must draw this to the attention of the Chair of Governing Body. 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.
- b) The aim of the hearing, which will be held in private, 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 if the hearing does not find in their favour. In some cases 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.
- c) Extra care needs to be taken when the complaint directly concerns a pupil. The Complaints Panel needs to be aware of the views of the pupil and give them equal consideration to those of adults. Where the pupil's parent/carer is the complainant, the panel will provide the parent with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the pupil to attend.
- d) The governors sitting on the Complaints Panel need to be fully aware of this complaints procedure.

## **ROLES AND RESPONSIBILITIES**

### **THE ROLE OF THE CLERK TO THE GOVERNORS**

The Clerk to the Governors is the contact point for the complainant at Stage 4 and required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ensure that the Complaints Panel is convened within 20 working days of the notice of formal complaint being received unless all parties agree to any further deferral;
- 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 and outcomes of the hearing;
- notify all parties in writing of the panel's decision and any recommendations within 20 working days of the hearing;
- ensure that copies of all the written records of the hearing are included on the Complaints Co-ordinators confidential file and record of complaints.

### **THE ROLE OF THE CHAIR OF THE PANEL**

The Chair of the Complaints 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;
- any friend or adviser accompanying the parent/complainant is advised of their role and how the panel will arrange for their contribution to proceedings;
- 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
- one member of the panel is independent of the management and running of the school;
- 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 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 Executive Headteacher may question both the complainant and the witnesses after each has spoken.
- The Executive Headteacher is then invited to explain the Federations actions and be followed by the Academy's witnesses.
- The complainant may question both the Executive Headteacher 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 Executive Headteacher is then invited to sum up the Academy 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 time scale, given at that time.

## **NOTIFICATION OF THE PANEL'S DECISION**

The Chair of the Panel needs to ensure, via the Clerk to the Governors, that the complainant is notified of the panel's decision and any recommendations, in writing, within 20 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **TIME-LIMITS**

Complaints will be considered and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage have been set. However, there may be mitigating circumstances where further investigations are necessary or delays occur, for example but not limited to school holidays or staff absence. When this occurs new time limits can be set at the discretion of the Investigating Officer and/or Complaints Co-ordinator and it is their responsibility to notify the complainant in writing details of the new deadline and an explanation for the delay.

# **MANAGING AND RECORDING INFORMAL/FORMAL COMPLAINTS**

## **RECORDING COMPLAINTS**

A complaint may be made in person, by telephone, or in writing depending on whether informal or formal. At the end of a notification or upon receipt of the complaint, the member of staff should ensure that the complainant and themselves have the same understanding of what was discussed and agreed. A record of conversation or meetings must be kept and a copy of any written response added to the record.

The Head of School at each Academy is responsible for completing and maintaining their Complaints Log. The log will acknowledge both formal and informal complainants and all correspondence, statements and records of complaint must be kept confidential in line with Fair Processing (GDPR 2018). The log can only be accessed by specified members of the senior leadership team and the Chair of the Governing Body.

External requests to view the Complaints Log must be submitted in writing with reasons why given, with a minimum of 5 days notice. The decision to allow viewing is at the discretion of the Head of School and the Executive Headteacher with all decisions GDPR compliant. This does not include HMI Inspection who will be provided access at time of inspection. Copies will also be made available to the Registration Authority on request.

## COMPLAINT FORM

Please complete and return to .....(Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

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: