



# Complaints Procedure Statement

**Document Control** *(to be updated by Administrator)*

<b>Document Author/Owner:</b>	Chair of Governors
<b>Version No:</b>	1
<b>Applicable To:</b>	All PFA Schools & TCC
<b>Committee:</b>	Business and Resources
<b>Approved By Governors On:</b>	<b>1<sup>st</sup> July 2015</b>
<b>Review Cycle:</b>	Every Three Years
<b>Date of Next Review:</b>	<b>July 2018</b>
<b>Publication Location:</b>	PFA Website
<b>Other Related Policies:</b>	

**Revisions** *(to be updated by Reviewer)*

Version	Page/Para No	Description of Change	Approved On

Parkside Federation Academies values diversity and works to eliminate discrimination, promote equality and foster good relations.  
We observe the Equality Act 2010 when we make decisions.

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## **Complaints procedure statement**

### **Aim**

Parkside Federation Academies (PFA) takes all complaints seriously and will endeavour to learn from them and improve its procedures as a result.

### **Policy**

Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of the Academies' work. They may be expressed by parents, guardians, neighbours or anyone with an interest in the working of the Academies. Where possible the majority of concerns/complaints should be dealt with satisfactorily by PFA staff on an informal basis.

### **Monitoring**

The Governing Body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure. The policy will be promoted and implemented throughout the Academies

## **The Procedure for Handling Concerns and Complaints**

**PFA's Procedure has three main stages.**

In summary they are as follows:

**Stage 1 – A concern** is raised informally with an appropriate member of staff. If the matter is not resolved, it is progressed to Stage 2.

**Stage 2 – Formal Complaint to the Headteacher.** The school receives a formal written complaint which goes to the Headteacher who arranges a further investigation. If the matter is not resolved, it is progressed to Stage 3.

**Stage 3 – Formal Complaint to the Chief Executive** The school receives a formal written complaint which goes to the Chief Executive who arranges a further investigation. If the matter is not resolved, it is progressed to Stage 4.

**Stage 4 – The Federation Governing Body's Complaints Panel** will undertake a formal hearing of the complaint.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

## **Stage 1: Raising a concern**

Concerns can be raised with the Academy at any time and will often generate an immediate response, which will resolve the concern. Apart from the Academy's normal Parental Consultation events, or other arranged meetings with specific staff, the Academy requests that parents make their first contact with their son's/daughter's Form Tutor or designated member of staff, which in the next instance is the Subject Leader, Assistant Headteacher or Deputy Headteacher. On some occasions the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response **within two school days**. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

## **Stage 2: Making a formal complaint to the Headteacher**

Formal complaints should be put in writing and sent to the Academy, addressed either to the Headteacher or a designated member of staff. The complaint will be logged, including the date it was received. The Academy will acknowledge receipt of the complaint **within two school days** of receiving it. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five school days** of the receipt of the formal complaint but in any case within no more than **ten school days**.

The Headteacher will consider the complaint and discuss a resolution with the complainant. The Headteacher should offer a resolution to the complainant in writing within **ten school days** of receipt of the letter.

## **Concerns or complaints specifically about the Headteacher**

If the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chief Executive.

PFA will provide the Chief Executive's name and the complainant should write to him or her at any of the PFA school addresses marking the envelope 'urgent, private and confidential'. The Chief Executive will acknowledge the complainant's letter in writing within five school days of receipt and may contact the Academy's Human Resource advisors for advice.

## **Stage 3: Making a formal complaint to the Chief Executive**

Formal complaints should be put in writing and sent to the Academy, addressed to the Chief Executive. The complaint will be logged, including the date it was received. The Academy will acknowledge receipt of the complaint **within two school days** of receiving it. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five school days** of the receipt of the formal complaint but in any case within no more than **ten school days**.

The Chief Executive will consider the complaint and discuss a resolution with the complainant. The Headteacher should offer a resolution to the complainant in writing within **ten school days** of receipt of the letter.

### **Concerns or complaints specifically about the Chief Executive**

If the concern or complaint is specifically about the Chief Executive and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors.

PFA will provide the Chair of Governors' name and the complainant should write to him or her at any of the PFA school addresses marking the envelope 'urgent, private and confidential'. The Chair of Governors will acknowledge the complainant's letter in writing within five school days of receipt and may contact the Academy's Human Resource advisors for advice.

### **Stage 4: Formal complaint requesting a Governors' Complaints Panel**

#### **Time Scales:**

Complaints will be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Receipt of complainant's letter	Acknowledgement by Chair of Governors within five school days
Receipt of complainant's letter	Governors' Panel meeting within fifteen school days (unless this goes into school holidays)
Written documentation sent to Governors' Panel Members, complainant and Chief Executive	Five school days before meeting.
Governors' Panel members decision communicated to all concerned	As soon as possible but within ten school days of meeting.

Complainants wishing to move to Stage 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within ten school days of the last meeting with the Chief Executive concerning the issue. The complainant should write to the Chair of Governors at any of the PFA school addresses marking the envelope 'urgent, private and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Chief Executive and show why the matter is not resolved.

### **Before the meeting:**

The Chair of Governors will appoint a clerk to the Governors' Complaints Panel, acknowledge the Complainant's letter in writing within five working days of receipt and arrange for a panel of Governors to meet within fifteen working days of receipt.

The review will be undertaken by a panel of at least three members appointed on behalf of the Governing Body and selected by the Clerk to the Governors. The Panel members will have no detailed previous knowledge of the case, and will not include any governor who was involved at Stage 2. One member will be independent of the management and running of the School. Fair consideration will be given to any bona fide objection to a particular member of the panel. Any such objection must be notified to the Clerk to Governors at least two working days before the Panel meet.

The Complainant and the Chief Executive will be invited to attend the Governors' Complaints Panel meeting to give a verbal statement in support of their documentation. Each may be accompanied by one other person such as a relative, teacher, or friend, who may be legally qualified but will not be permitted to act in a legal capacity.

The full Governing Body should only be informed that a complaint is being heard – details should be with-held to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures e.g. disciplinary.

The Governing Body reserves the right to allow, or not, another agency to carry out an independent appeal or review.

### **At the meeting**

The Complainant and Chief Executive (or his/her representative) should provide all the relevant information they wish and the Governors' Complaints Panel members will clarify any points. After the Complainant and Chief Executive (or his/her representative) have provided all the information they wish, the chair will ask all parties to leave with the exception of the panel members and the clerk.

### **After the meeting**

The Governors' Complaints Panel will write to all concerned within ten school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governors' Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the Complainant feels that the Academy and Governors have not followed the Academy's complaints procedure correctly, he/she can contact the Education Funding Agency (EFA).

Complaints about academies should be made via the school/academies complaints form - DfE online forms on the Gov.UK website.

The EFA will investigate complaints about:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that PFA has acted unlawfully or failed to comply with a contractual duty imposed on it under its Funding Agreement with the Secretary of State or any other legal obligation.

Once a Governors' Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

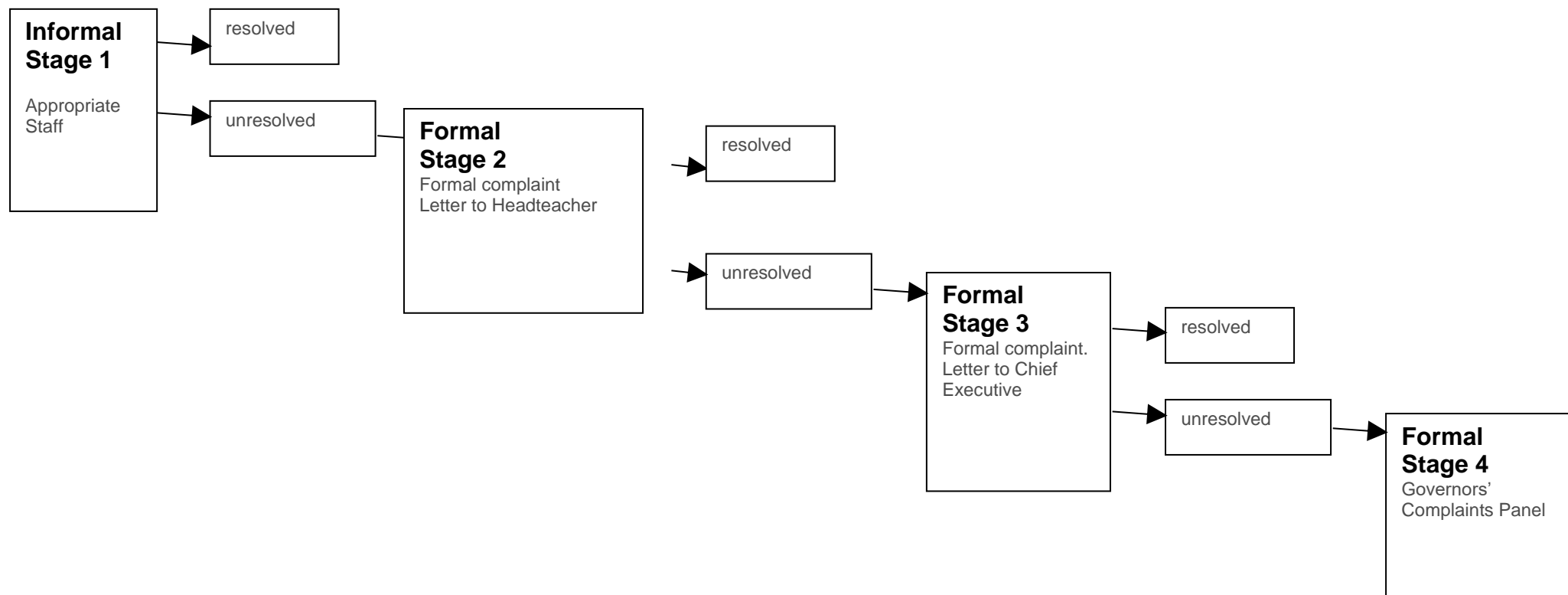
Any complaints concerning the conduct of PFA staff will be handled in accordance with PFA's internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations and should be addressed to the Chair of the Governors' Quality Assurance Committee at any of the PFA school addresses.

**Extended Schools:** the Governing Body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place.

**Please see the next page for flowchart.**

**Flowchart of procedure for handling concerns and complaints:**



## **Notes**

### **Guidance on informal Stage 1:**

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- The relevant staff should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

### **Guidance on Formal Stage 2:**

An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the relevant staff member then he/she can write to the Headteacher.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feeling.
- It is good practice for the Headteacher to write a letter to parents summarising what has been agreed regarding the issue.

### **Guidance on Formal Stage 3:**

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the Headteacher then he/she can write to the Chief Executive.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feeling.
- It is good practice for the Headteacher to write a letter to parents summarising what has been agreed regarding the issue.
- The Chief Executive may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.



## **Guidance on Formal Stage 4:**

### **Before the meeting:**

- The formal complaint letter should be passed to the Vice-chair if the Chair will be unable to receive the letter within five school days.
- Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel. One of the members of the panel must be independent of the management and running of PFA.
- 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.

## The Remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or 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 Governing Body 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 Governing Body Member 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, Governing Body Members need to try and ensure that it is a cross-section of the categories of Governing Body Members and sensitive to the issues of race, gender and religious affiliation.
- 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 Academies and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. 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. 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, and may choose to be accompanied. 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 as informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The panel needs to be aware of the views of the student and give them equal considerations to those of adults. Where the student'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 student needs to attend.

Governing Body Members sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

It is strongly recommended that any panel or group of Governing Body Members considering complaints be clerked. The Clerk would 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
- meet and welcome the parties as they arrive at the hearing
- record the proceedings and safely archive all written records
- notify all parties of the panel's decision and recommendations in writing
- ensure confidentiality of process and written materials

### **The Role of the Chair of the Governing Body or the Nominated Governing Body Member**

The Nominated Governing Body Member:

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

### **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 key 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

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

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they may need to be addressed.

## Check List 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 Headteacher/Chief Executive 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 Headteacher/Chief Executive 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 Headteacher/Chief Executive is then invited to sum up the Academy's actions and response to the complaint
- both parties leave together while the panel decided on the issues
- the Chair explains that both parties will hear from the panel within a set time scale

### At the meeting:

- The Complaints Panel must be made up of at least three members (one of whom will be independent of the management of PFA) and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The Clerk should take notes of the meeting, listing who is present:
  - Governors, stating who is the Chair of the Governors' Complaints Panel
  - Principal (or his/her representative) and any other members of school staff
  - Parents and anyone accompanying them e.g. friend
  - Clerk
- The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.

- The Chair of the Governors' Complaints Panel should request a verbal statement from the Principal (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view.
- The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The Chair of the Governors' Complaints Panel must ask the complainant and the Principal (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the Clerk.

#### **After the meeting:**

- The Governors' Complaints Panel members then discuss the issues in private and the Clerk remains to record the decision.
- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten school days of the panel meeting.

The decision of the Governor's Complaints Panel is final.

#### **Extended Schools**

Governors would need to have a discussion around, and make a decision about, what happens when the third party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Governors' Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.

#### **Vexatious Complainants**

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

## **Publication**

In accordance with the Education (Independent School Standards) (England) Regulations 2014, Part 7, paragraph 32 states that details of the School's complaints procedure need to be made available to parents of pupils and parents of prospective pupils. The Complaints Procedure will be published on the School website in line with regulation 2(3)(a).

## **Confidentiality**

Correspondence, statement and records relating to individual complaints will be kept confidential except to the extent required by the Schedule, Part 7, paragraph 33 (k) of the Education (Independent School Standards) (England) Regulations 2014, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.