



Complaints Policy and Procedure

Created 01/08/2008
Reviewed Summer 2021
Ratified by FGB on 08/07/2021
To be reviewed 02/07/2024

CONTENTS

| | |
|---|----------------|
| Introduction | Page 3 |
| Principles of procedures | Page 4 |
| Outline of procedures | Page 5 |
| Details of Procedures | Page 7 |
| General points | Page 13 |
| Data Protection | Page 14 |
| Complaint Record Form (appendix A) | page 15 |
| Complaint Form (Appendix B) | Page 16 |
| Flow Chart (Appendix C) | Page 17 |

Introduction - Why does this policy and procedure exist?

No one likes criticism but an open organisation like The Fritch Green Academy will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate.

Nearly all concerns or questions can be resolved very quickly and informally if individuals feel able to voice them as soon as they arise. The more information the school provides the less scope there is for misunderstanding. The earlier that a concern is raised in an open and transparent manner directly with a child's teacher the more likely it is that a quick and informal resolution can be reached. Care should be taken by all parties not to raise concerns in front of children as that can cause unnecessary distress and may also undermine the teachers' continuing position of authority.

Individuals and parent / carers should feel that feedback is always welcome by the academy and that they are warmly encouraged to voice any concerns straightaway, preferably to the person responsible for their child at school i.e. their class teacher. In most cases, discussion, explanation, further information – or an apology if appropriate – will resolve the issue. **Every effort should be made to allay concerns at this level and with the least possible formality.**

The ideal situation is that no concern should ever become a formal complaint.

In all cases there should be a concerted effort by all parties to resolve issues informally, very occasionally however, a **concern** will be too serious to be handled in this way, perhaps needing greater attention; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a **complaint** and this formal procedure should be rigorously followed. **Even in these cases, every effort should be made to resolve the issue at the earliest possible point and at the lowest possible level of the procedure.**

It is very important that all governors and members of staff are familiar with this complaints procedure and that they know what to do when approached by someone with a complaint.

In all circumstances the published procedure must be followed closely and that includes complaints arising from extended services or third party use of the school premises.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The Fitch Green Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

This Complaints Procedure does not apply to:

- members of staff (who should use the documented Grievance Procedure)
- procedures with their own existing appeal structure e.g. the admissions policy
- concerns about the delivery of the National Curriculum or
- allegations of a criminal nature - which should be reported to the police.

It is also totally separate from any staff Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the Principal or governors about the capability or conduct of a member of staff, these would not be recorded or dealt with within this procedure. If there is any doubt whether the policy applies or not than advice should be taken from the Principal.

Principles of procedures

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift, simple , effective
- fair and confidential

Throughout the process, the academy will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change practice if appropriate

Throughout the process complainants should:

- NOT make a complaint to staff directly in front of their child
- ensure that all communications (by email, letter or in person) are considerate of the possible effects on others
- accepting that any complaint process may be distressing to all involved every effort should be made to treat others with dignity and respect. (Any behaviour of a threatening or intimidating nature will be reported to the police outside of this policy and any such action may exclude the individual from using this policy.)

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the academy community. Complaints are very likely to be about a procedure or policy that a member of staff has a professional duty to enforce therefore great care should be taken not to personalise any complaint. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between the academy and the complainant and a renewed commitment to work together amicably.

Outline of procedures

The academy Vice Principal will act as the Complaints Co-ordinator, to whom all complaints should be addressed in the first instance. Complainants should not approach individual governors to raise concerns or complaints as this may prevent them from considering complaints at Stage 3 of the procedure.

The Complaints Co-ordinator will either review a complaint personally or, where appropriate, refer the matter to another member of staff for investigation and resolution.

If the complaint relates to the Deputy Principal then the Principal will act as the Complaints – Co-ordinator.

For ease of use, a template complaint form is included in Appendix B. If you require help in completing the form, please contact the Academy office. You can also ask a third party organisation such as Citizens Advice to help you.

The Complaints Co-ordinator or member of staff designated to investigate the complaint will keep records of each complaint and of action taken in regard to it (using Appendix A). From these records senior managers and governors of the academy can be kept informed of all issues that arise and as a result can change or develop academy practices where necessary or appropriate. Thus complaints can be used positively as a self-evaluation tool.

All complaints procedures should be resolved in school term time – there is no expectation that staff or parents / carers should deal with complaints outside of academy core working days.

If a concern has escalated to a complaint then there are three stages to the formal procedure:

Stage 1

Complaint reviewed by a member of staff (not the subject of the complaint).

Stage 2

Complaint reviewed by the Principal.

Stage 3

Complaint heard by Governing Body's Complaints Panel.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to The Academy, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

THE FORMAL COMPLAINTS PROCEDURE IN DETAIL

Stage 1

Complaint Reviewed by Staff Member

NB The aim is to resolve the complaint at this level.

- 1.1 Formal Complaints should be addressed in the first instance to the Vice Principal (the Complaints Co-ordinator). This may be done in person or by telephone but ideally should be in writing (see form at Appendix B).
- 1.2 The complaints co-ordinator will acknowledge and log the complaint (See Appendix A) **within 2 working days** and either review the complaint personally or refer it to an appropriate member of staff. In making this decision, the co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.
- 1.3 If the complaint concerns the Principal, the co-ordinator should refer it to the chair of governors and inform the Principal that this has been done. If the complaint concerns the chair of governors, the co-ordinator should refer it to the vice-chair.
- 1.4 Whoever is responsible for reviewing the complaint will:
 - Inform the Principal (and any member of staff directly complained about) **within 2 working days**;
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - speak with the complainant or meet in person with them (accompanied by another member of staff);
 - clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
 - interview those involved in the matter including witnesses and/or those complained of, allowing them to be accompanied if they wish; special consideration should be given to child witnesses.
 - conduct each interview with an open mind;
 - keep notes of each interview.
- 1.5 **Timescales. Within ten school days** of receiving the complaint, the person responsible will complete the review and **within a further 2 working days** contact the complainant to arrange a meeting. (See 1.6). At any point in the process, the complaints co-ordinator may decide or agree to commission a further review, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant and any member of staff complained about must be informed of the extension and the reason for it. In this

situation, the complainant will be provided with a revised response date.

- 1.6** When the review is complete, the member of staff investigating will meet the complainant to try to resolve the complaint. **Every effort should be made to try to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:
- an acknowledgement that the complaint is valid in whole or in part;
 - a full explanation why the complaint is found to be not valid or not justified
 - an apology;
 - an explanation;
 - a clarification of any misunderstandings;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review school policies in light of the complaint.

Some of the above may require that the investigator seek authority from the Principal. Naturally, nothing should be offered or promised that is neither fully justified nor appropriate or cannot be fulfilled.

If resolved or not any member of staff directly complained about should be informed of the outcome in person and in writing within **2 working days**.

- 1.7** If the complaint cannot be resolved, the complainant may refer it to Stage 2 by writing to the Principal **within 10 working days** of the Stage 1 meeting.

Stage 2

Complaint Reviewed by the Principal

- 2.1** Where a complaint has not been resolved at Stage 1 and at the complainants' written request, it will be referred to the Principal.
- 2.2** The Principal will either review the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent review if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be reviewed.
- 2.3** In conducting the review, the reviewer will again operate in accordance with section **1.4**.

- 2.4 Timescales: Within ten school days** of receiving the complaint, the investigator will report back to the Principal. **Within a further two school working days**, the Principal will contact the complainant and arrange a meeting. (See **2.5**) At any point in the process, the Principal may decide or agree to commission a further investigation, whether by another senior member of staff, a suitable governor or an independent person (e.g. from the community, another academy or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant along with any individual staff member complained about must be informed of the extension and the reason for it.
- 2.5 When the review is complete**, the Principal will consider the facts and, whether or not he or she reviewed the matter personally, will meet the complainant (with or without the person who conducted the review if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the suggestions in section **1.6** may be appropriate at this point. If resolved or not any member of staff complained about should be informed of the outcome in person and in writing **within 2 working days**.
- 2.6** If the complaint cannot be resolved, the complainant may refer it to Stage 3 by writing to the Chair of Governors **within 10 working days** of the Stage 2 meeting.

Stage 3

Complaint Heard by Governing Body's Complaints Panel

- 3.1** A Complaints Panel, consisting of three governors (one should be identified as the panel's chair), should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and the profile of the academy community. Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation must not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. Complaints under review must not be discussed in detail at a meeting of the full governing body as this could compromise the impartiality of the complaints panel. Governors should however be made aware of the existence of complaints by the Principal with a brief summary of main issues.

- 3.2** To trigger Stage 3, the complainant must have failed to reach agreement at the first two stages and now have requested a Stage 3 hearing in writing to the chair of governors. A request to escalate to stage 3 must be made within 10 school days of receipt of the stage 2 response. The Chair of governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

The panel chair will check what has happened so far and, if the procedure has been properly followed paying due regard to time limits. The chair will - via the clerk - convene a Governing Body's Complaints Panel. If the original complaint concerned the chair of governors and was referred to the vice-chair, the vice-chair will fulfil this role.

- 3.3** This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the panel should:

- be prepared to hear complaints without preconceptions;
- examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
- listen to all witnesses including any person complained about;
- be prepared to commission, organise or conduct further investigations if necessary;
- give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
- be prepared to take whatever appropriate action is required;
- maintain full and accurate records.

- 3.4 Timescales.** All parties should agree the date of the panel meeting **within five school days** from receipt of the written request from the complainant. The meeting itself should be held **within twenty school days** of receipt. If the complainant or the principal wishes to submit information in writing to the panel, they should send it to the clerk to the governors **at least five school days** before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation, it will be best if the matter can come to the panel as quickly as possible.

The Meeting of the Governing Body's Complaints Panel

- 3.5 Before the meeting:** Members of the panel should consider carefully any documentation from the Principal or the complainant but should not discuss the matter with anyone, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

3.6 Conduct of the meeting – to be borne in mind:

- One of the panel must act as chair and there should be a clerk for the meeting.
- The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and concerns of all those involved. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel that their complaint has been taken seriously and examined impartially.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults but it may not be in their own best interests for children to attend the panel. The panel should proactively consider alternative methods of hearing the views of children e.g. written statement, an adult may represent them or a recording of their views may be played to the panel.

3.7 Role of the Clerk The clerk will:

- Obtain a list of witnesses;
- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision **within 2 school days**. (The wording of any letters will be agreed with the chair of the panel.)

3.8 Role of the Chair of the Panel The panel chair will ensure:

- that the procedure is properly followed;
- that the procedure for the hearing is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at ease, especially any who may not be accustomed to public speaking ;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way;

- that time is given for all parties to consider any 'new' evidence.

3.9 Order of Proceedings for the Hearing of the Complaint

- Welcome, introductions and explanations of the proceedings by the panel chair.
- The complainant is invited to explain the complaint.
- The Principal may seek clarification from the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the Principal may seek clarification from them, and then the panel may question them.
- The Principal is invited to explain the school's actions.
- The complainant may seek clarification.
- The panel may question the Principal.
- If there are any witnesses for the academy, they are treated in exactly the same way as the witnesses for the complainant.
- Once witnesses have given their evidence they will be asked to leave the meeting room but to be available if required.
- When the chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The Principal is then invited to sum up the school's actions and response to the complaint.
- The chair explains that all parties will hear from the panel **within two school days** following the day of the hearing.
- All parties leave together while the panel decides on the issues

3.10 Options Open to the Panel The panel may:

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

3.11 After the Hearing The following actions need to be taken.

- The chair of the panel agrees with the clerk the wording of the letter to be sent to all parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The clerk writes up the notes of the meeting and gives a copy to the chair of the panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

3.12 Vexatious Complaints: If the complainant, still dissatisfied, tries to reopen the same issue, the chair of governors is able to inform them in

writing that the procedure has been exhausted and that the matter is now closed.

- 3.13 Failure to engage:** If the complainant consistently fails to engage with the procedure at any stage then the Principal (at stages 1-2) or the Chair of the complaints panel (at stage 3) can immediately and formally dismiss the complaint as unsubstantiated. Records must still be maintained and in extreme circumstances e.g. where there has been an obvious and serious failing, then the review may be directed to continue to enable appropriate recommendations to be made and corporate learning to take place.

GENERAL POINTS

Using and Publicising the Procedure

The governing body has adopted this procedure formally and will review and re-adopt it initially annually then every 3 to 5 years. They are also responsible for ensuring that staff are confident in its use and that it is appropriately publicised to all interested parties.

Recording and Reporting Complaints

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals both the senior managers of the academy and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The Complaints Co-ordinator is the most obvious person to confidentially hold these records and to collate them into a report for the Principal and the governing body. Such a confidential report is a valuable self-evaluation tool. **All records will be kept for 7 years.**

Complaints Made Other Than in Accordance with the Procedure

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to the proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's Complaints Co-ordinator. This does not discount that nearly all **concerns** can be effectively resolved very quickly by prompt action and relates only to formal **complaints**.

Complaints Made to the Department for Education

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

Retention of Data:

The school processes personal data collected during the informal and formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to grievances or conducting the grievance procedure. On the conclusion of the procedure, data collected will be held in accordance with the school's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

APPENDIX A - June 2021

**COMPLAINT RECORD FORM
(To be used for Stage 1 and Stage 2)**

PART 1 RECORD OF COMPLAINT

Complainant's Name:

Address:

Telephone and email:

Details of the Complaint (attach complain form):

Date Complaint Made to Complaints Coordinator and method:

Action Already Taken to Resolve the Matter:

Complainant's View of what might resolve the issue:

**PART 2 ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS
PROCEDURE**

Complaint Investigated By:

Action Log (with dates , continue on separate sheet):

Date of formal meeting with complainant:

Outcome of the Meeting:

Appendix B June 2021

Initial Complaint form

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

Your name:

If relevant Pupil's name and class:

Your relationship to the pupil:

Your Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Please give details of your complaint. (Please provide as much detail as possible and continue on a separate sheet as required)

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:

For Academy use only

Date acknowledgement sent:

By whom:

Stage 1 Complaint referred to:

Date:

Resolution – Yes / No and details

Stage 2 Complaint referred to:

Date:

Resolution – Yes / No and details

Stage 3 Complaint referred to:

Date:

Resolution – Yes / No and details

**Appendix C Flowchart
See PDF**