



# **Conisbrough Ivanhoe Primary Academy**

## **Complaints Policy**

2015/18

# Complaints Policy

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## Introduction

This policy should be read in conjunction with the DfE Guidance on school complaints procedures.

The majority of issues raised by parents, or pupils, are concerns rather than complaints. The Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent does not feel a concern has been addressed, or it is of sufficient gravity, then the Academy's formal complaints procedure should be used. The prime aim of the Academy's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

*"Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the schools complaints co-ordinator. In smaller schools this may often be the Headteacher or Principal."*

DfES Guidance

The policy is available on request to parents of pupils at the Academy and to parents of prospective pupils, on request. It is available also via the website.

Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing will be kept.

The following details outline the stages that can be used to resolve parental complaints.

### **The Academy's Policy has four 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, then it goes to:-
- Stage 2 – The school receives a formal written complaint. If the matter is not resolved, then the complaint goes to:-
- Stage 3 – The Headteacher hears the details of the complaint and arranges a further investigation. If the matter is still not resolved, then the complaint goes to:-
- Stage 4 - The Governing Body's **Complaints' Panel** for a formal hearing of the complaint.

### **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 Evenings, or other arranged meetings with specific staff, the Academy requests that parents make their first contact with their son's/daughter's class teacher. 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 a day or two**. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

### **Stage 2 – Making a complaint**

Formal complaints should be put in writing and sent to the Academy, addressed to the Headteacher. The complaint will be logged, including the date it was received. The Academy will normally acknowledge receipt of the complaint **within two working 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 working days** of the receipt of the formal complaint but in any case within no more than **ten working days**. If, on the other hand, it is felt that the matter is too serious to be dealt with at this stage, then the matter will be passed directly to the Headteacher\* (see stage 3 below). The aim will be to resolve the matter as speedily as possible.

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## **Stage 3 – Further Investigation**

If the matter has not been resolved at Stage 2, or it is felt that the matter is too serious to be dealt with at Stage 2, the Headteacher, or another designated member of staff, will undertake a further investigation. Following the investigation, the Academy will normally give **a verbal or written response within five working days but in any case within no more than ten working days.**

**\*N.B.** In cases where the matter concerns the conduct of the Headteacher, both the Governing Body and the Headteacher will be informed of the complaint and the Governors will arrange for the matter to be further investigated. The Academy will normally give a response **within five working days but in any case within no more than ten working days.**

At each stage of the process the complainant will be asked to confirm whether or not the matter has been resolved.

## **Stage 4 – Complaints Panel**

If the matter has still not been resolved at Stage 3, then the Academy will advise the complainant of the right to refer to the Governing Body **who will establish a panel of at least 3 people who have not been directly involved in the matters detailed in the complaint.** Complainants should send their written complaint to the Chair of Governors asking for the matter to be considered by the **Governors' Complaints Panel** with delegated powers to hear complaints. The hearing will normally take place **within ten working days** of the receipt of the written request for Stage 4 investigation. **The panel will consist of 2 governors and one person who is independent of the management and running of the school. Parents will be allowed to attend the panel hearing and may be accompanied if they so wish.**

The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing within **five working days** after the date of the hearing. The letter will also contain details of any further rights of redress available.

**The panel will make findings and recommendations and these will be sent by electronic mail or otherwise to the complainant and where relevant, the person complained about. They will also be available for the Headteacher and the Chair of Governors to inspect.**

### **N.B:-**

- **Written records are kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.**
- **All correspondence, statements and records of complaints are to be kept confidential** (except where the Secretary of State or a body conducting an inspection under section 162 of the 2002 Act requests access to them).
- **The Governors' hearing is the last Academy-based stage of the complaints' process.**

## **Monitoring, Evaluation and Review**

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 Academy.

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## Appendix:

### Formal Complaints Procedure

#### Stage 2: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they know what to do when they receive a complaint.

Where the first approach is made to a governor, the next step is to refer the complainant to the appropriate person. In normal circumstances governors will not be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### Stage 3: Complaint Heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

#### Stage 4: Complaint Heard by Governing Body Complaints' Panel

If still dissatisfied the complainant should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel consisting of at least three people none of whose members will have been directly involved in the matters detailed in the complaint. **One of the members of the panel must be independent of the management and running of the Academy.**

**The governors' panel hearing** is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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' Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, 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, gender orientation 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 Academy 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.

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c. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

d. Where the complainant is a parent they should be allowed to attend the panel hearing, and, if they wish, to be accompanied.

e. The governors sitting on the panel need to be aware of the complaints procedure.

## Roles and Responsibilities

### The Role of the Clerk

The Clerk is the contact point for the complainant and 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;
- notify all parties of the panel's decision

### The Role of the Chair of the Governing Body or the Nominated Governor

The Nominated Governor role:

- 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 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. All relevant documentation is kept confidential
- **recommendations and findings should be recorded and distributed as appropriate.**

### Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant, Chair of Governors, and where relevant, the person complained about is notified of the panel's decision, findings and recommendations, by electronic mail or otherwise, within **four weeks**. A copy of the findings and recommendations should be available for inspection on the Academy premises by the Chair of Governors and Principal. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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## Complaint Form

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

Your name:

Student's name:

Your relationship to the student:

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?

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Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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## Model Letters

### Letter of Acknowledgement to Complainant regarding establishment of Governing Body Complaints Panel

Dear .....

Parental Complaint from Mr/Mrs/Ms/Miss .....

I am writing with regard to your complaint, which has been passed to me by the Chair of Governors/Name of Designated Governor and will now be considered by a panel of governors under the Academy's complaints procedure. The panel must consider your complaint within 10 working days of receiving it, and give you at least five days notice of the date of the meeting. The panel have asked me to invite you to attend a meeting at (time) on (date) at the Academy, (or other venue as appropriate). You are entitled to have a friend or a representative attend this meeting with you.

I have enclosed copies of the relevant correspondence, reports and documentation about the complaint with this letter.

Please let me know if:

- there is any other documentation you wish the panel to consider
- there are any witnesses you want to bring to the meeting
- you want to have a friend or representative with you
- you are unable to attend on this date

You can contact me by writing to....., or by telephoning me on (number), or by email at .....

I enclose a copy of the 'Procedure for a Governing Body Complaints Panel Hearing' for your information.

Yours sincerely

Clerk of the Governing Body Complaints Panel

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## Letter from Chair of Governing Body Complaints Panel to Complainant following Hearing

Dear .....

Parental Complainant from Mr/Mrs/Ms/Miss .....

Thank you for attending the hearing of the Governing Body Complaints Panel on ..... I am writing on behalf of the Panel to let you know its conclusions.

The Panel has given careful consideration to your complaint about ....., which raises the following issues:

1. ....
2. .... etc

The Panel's conclusions are as follows:

### Issue 1

As regards your complaint that ....., the Panel considered the following factors:

.....  
.....  
.....

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

### Issue 2

As regards your complaint that ....., the Panel considered the following factors:

.....  
.....  
.....

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

In addition to its conclusions on your complaint, the Committee will also be making the following recommendations to the full Governing Body:

.....  
.....

(N.B. There is no obligation to make recommendations)

This completes the Panel's conclusions.

Finally, please note that the hearing of the Governing Body Complaints Panel and the appointed documentation must be treated as confidential by all parties, including yourself.

If you are unhappy with the findings of the panel you may appeal to The Secretary of State, Children, Schools and Families, Sanctuary Buildings, Great Smith Street, London, SW1 3BT, on the grounds that the Governing Body has failed to discharge a statutory duty or that the Governing Body had acted, or was proposing to act, unreasonably

Yours sincerely

Chair of Governing Body Complaints Panel