



## Complaints Procedure

Approving Body	Trust Principal / Head Teacher or delegate
Date Approved	November 2019
Version	V3.1
Supersedes Version	V.3.0
Review Date	September 2020
Legislation	Part 7 of the Education (Independent School Standards) Regulations 2014.

# **Complaints Procedure Policy**

## **Statement of intent**

The Bolsover School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedure Policy has been created to deal with any complaint from a parent/carer against a member of staff or the school as a whole, relating to any aspects of the academy or the provision of facilities or services. As the school provides its own Early Help service, the procedure for making a complaint about Early Help is the same as any other complaint and should be approached as detailed within this policy.

Any parent/carer is able to make a complaint about the provision of facilities or services that the academy provides. This policy outlines the procedure that the complainant and academy must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

## **Procedures for dealing with complaints**

### **1. Raising a concern**

Concerns can be raised with the Academy at any time and will often generate discussions that will resolve the concern. The Academy requests that parents make their first contact with the student's Head of House (if it is related to pastoral matters) or the teacher/Head of Faculty (if the concern is subject related).

It is important for parents to recognise that the Academy is a busy organisation and that whilst we will do our best, it may not be possible to respond immediately.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response whilst this is taking place. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are still not satisfied, please write to or call the Academy to make us aware of your concern. The Academy will then look at your concern further.

### **2. Procedure**

#### **2.1 Informal Stage one – Informal concern made to a member of staff**

- a. A complaint may be made in person, by telephone or in writing.
- b. The member of staff must discuss the concern with either the head teacher or a member of the senior leadership team.
- c. In the case of complaints made to a governor, the complainant should be referred to the head teacher.
- d. Within 15 school days, the complainant and a relevant member of staff should discuss the issue in a respectful and informal manner to seek resolution.
- e. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

#### **2.2 Stage two – formal complaint made to the Headteacher**

- a) Stage two of the process will be completed within 20 school days.
- b) Where the situation is recognised as complex and is deemed to be unable to be resolved within this timescale, the head teacher will contact the complainant to inform them of a revised target date.
- c) The complaint must be logged in the complaints log, including the date it was received.
- d) The academy will acknowledge receipt of the complaint and the head teacher will attempt to resolve the issue, a meeting maybe convened with the complainant to discuss the matter further.

- e) Once the matter has been fully investigated, the head teacher will contact the complainant in writing to explain the outcome.
- f) If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

### **2.3 Stage three – formal complaint made to the Chair of Governors**

- a. The complainant should submit any complaint in respect of the Head teacher's response in writing to the chair of governors.
- b. The Chair of Governors will investigate the complaint and attempt to resolve the issue within 20 school days.
- c. Once the matter has been fully investigated, the Chair of Governors will contact the complainant and the head teacher in writing to explain the outcome.

### **2.4 Stage four – referred to Complaints Panel**

- a. Following receipt of a stage 2 outcome and as an alternative to Stage three, the complainant may write to the chair of governors within 10 school days requesting a complaints panel be held to hear the complaint.
- b. The chair of governors, or another nominated governor, will convene a Complaints Panel comprising:
  - i. Three people not involved in the complaint
  - ii. One of whom must be independent of the management and running of the school.
  - iii. Governors of the academy involved are not eligible to be the independent panel member

## **Guidance on Complaints Panel**

### **Panel Hearing**

The aim of the hearing, which needs to be held in private, will 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. The letter will also contain what you need to do if you wish to take the matter further.

It is important that the 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.

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. 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 informal and not adversarial.

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

The clerk is the contact point for the complainant and is 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, in writing, 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;
- ensure that the panel is represented appropriately (as above)

### **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.

### **Before the meeting:**

- The formal complaints letter should be passed to the Vice-Chair if the Chair will be unable to receive the letter within 10 school days
- Members of the complaints Panel should have no prior knowledge of the complaint or its details
- The letter inviting the complainant to attend should indicate that they may be accompanied by a friend to provide emotional support only.

### **At the meeting:**

- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and the parent to be put at ease
- Everyone attending should be in the room at the same time

- The clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process
- The Chair of the 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 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 Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view
- The Chair of the Complaints Panel should request a verbal statement from the Headteacher (or representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Complaints Panel members can ask questions to make sure they understand the issue from the Principal's point of view
- Members of the 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 Complaints Panel must ask the complainant and the Principal (or 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 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 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.
- The Complaints Panel members discuss the issues in private and the clerk remains to record the decision. 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.
- When the Panel have reached a decision the Clerk will inform everyone concerned, including the complainant and the person complained about, of the findings and recommendations, in writing as soon as possible, but in any event, within ten school days of the panel meeting. The letter will also contain what the complainant need to do if you wish to take the matter further although it should be noted that if the correct procedure has been followed, the decision of the Complaints Panel is final.
- Correspondence, statements and all other records relating to the complaint should be kept in a confidential file, and be available for inspection by the proprietor and the head teacher.
- All records relating to the complaint must be available for inspection by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act, should they request them.

### **3. Record Keeping**

A written record of all Stage 2 to 4 complaints will be kept in a confidential location, including:

- Whether they were resolved at Stage 2 or progressed to Stage 3 or a Panel Hearing

- What action was taken by the academy as a result of the complaint (regardless of whether it was upheld)

#### **4. Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue or behaves in an unreasonable manner when raising or pursuing concerns the Chair of the Governing Body is able to refer to the Academy Vexatious Complaints/Harassment in Academy Policy. This policy is publicly available on the Academy website.

#### **5. Summary of Procedure and Agenda**

- Witnesses are only required to attend for the part of the hearing in which they give evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher (or their representative) may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the 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 Headteacher is then invited to sum up the Academy's 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.

#### **6. Guidance Notes for Clerk to Complaints Panel Hearing**

##### **Invitations:**

- Parent (who may be accompanied)

- Chair of Complaints Panel (TBC)
- An additional Governor
- Headteacher (or representative where the HT is unavailable)
- Independent member of the panel (Cannot be a governor of the academy)

NB. Letters should indicate date and time of learning, indicate that the proceedings will be entirely confidential, and that the decision of the panel will be final.

### **Procedure of Hearing – General**

NB. Chair to put attendees at their ease.

- Chair to introduce members and ask for all parties to be introduced
- Note that the procedure will be minuted
- Note that the outcome will be final
- Indicate that a record will be kept of complaint and its outcome
- Follow agenda as per policy