



**COMPLAINTS
PROCEDURE POLICY**

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Complaints Procedure Index

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Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

1. Academies need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

4. Academies might wish to nominate a member of staff to have responsibility for the operation and management of the Academy complaints procedure. They could be termed the Academy's 'Complaints Co-ordinator'.

Framework of Principles

5. An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- 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 Academy's senior management team so that services can be improved.

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Investigating Complaints

6. It is suggested that at each stage, the person investigating the complaint (the Complaints Co-ordinator), makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- 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.

Resolving Complaints

7. At each stage in the procedure Academies will want to keep in mind ways in which a complaint can be resolved. 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;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Academy policies in light of the complaint.

8. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

9. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

10. 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, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. 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.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

12. An efficient Academy Complaints Procedure will have well-defined stages. A flow chart of suggested stages can be found in Annex C. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the principal after a meeting with the complainant. Both of these examples could be included.

13. Three Academy-based stages are likely to be sufficient for most Academies:

- Stage one: complaint heard by staff member (though not the subject of the complaint);
- Stage two: complaint heard by principal;
- Stage three: complaint heard by Governing Body's complaints appeal panel;

14. Regardless of how many stages the Academy chooses, an unsatisfied complainant can always take a complaint to the next stage.

15. An effective procedure will specify how a complaint will be dealt with if it concerns the conduct of the Principal or a governor or where the Principal or a governor has been involved in the issue previously.

16. An example of a complaints procedure can be found in Annex B.

Part 3 – Managing and Recording Complaints

Recording Complaints

17. It would be useful for Academies to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

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18. The Complaints Co-ordinator could be responsible for the records and hold them centrally.

19. All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI when they inspect. Copies must also be made available to the Registration Authority on request.

Governing Body Review

20. The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.

21. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, Academies may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Body can be a useful tool in evaluating an Academy's performance.

Publicising the Procedure

22. There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedure could be included in:

- the Academy prospectus;
- the governors' report to parents;
- the information given to new parents when their children join the Academy;
- the information given to the pupils themselves;
- any home-Academy agreement;
- home Academy bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the Academy that will be used by the public, such as reception or the main entrance;
- the Academy website.

Legal requirement

Section 157 of the Education Act 2002 requires, in terms of independent school standards, that:

Regulations shall prescribe standards about the manner in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1st September 2003 require in paragraph 6 that:

A school shall provide to parents of pupils and prospective pupils and on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.

An example of a Complaints Procedure

Stage One: 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.

It would assist the procedure if the Academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Principal

The Principal's influence will already have shaped the way complaints are handled in the Academy. 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 Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy.

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

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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 Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the Academy's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of The Complaints Appeal 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 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.

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 informal and not adversarial.

d. 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.

e. The governors 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 governors 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;
- 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;

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- 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 need to be addressed.

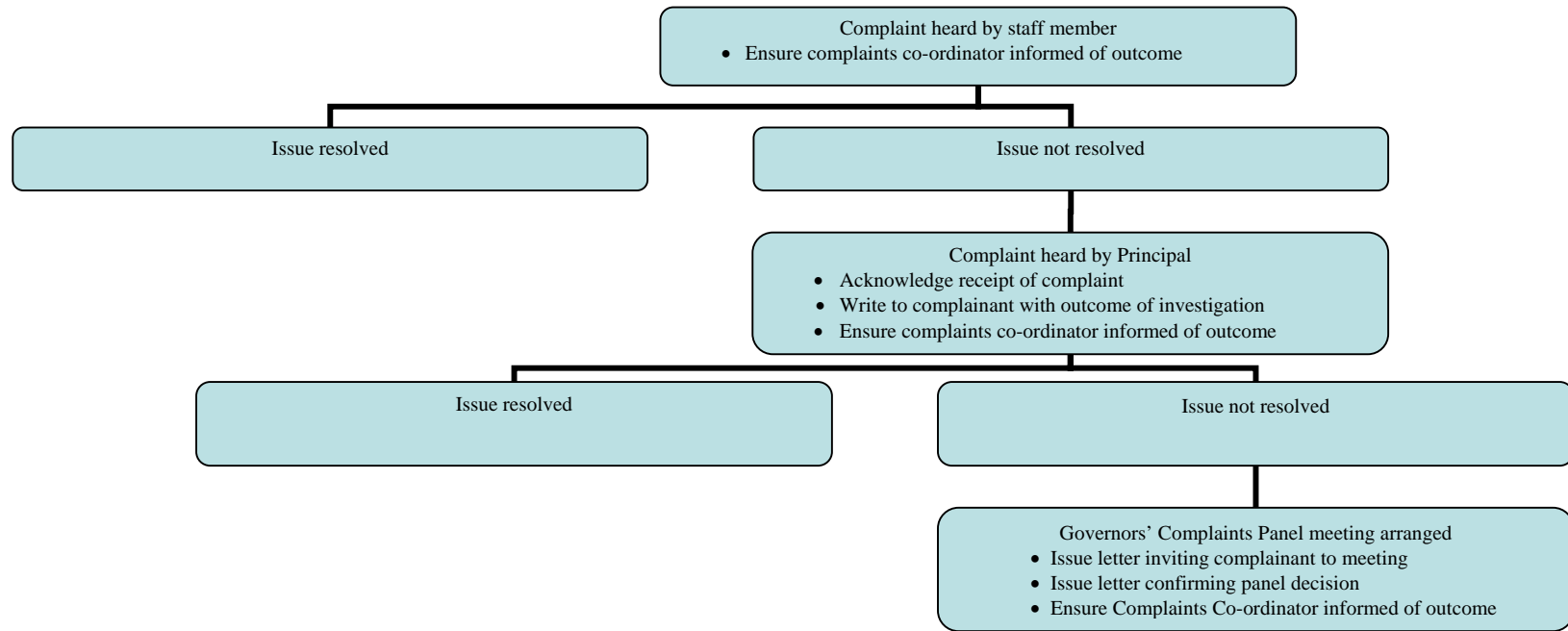
Checklist for a Panel Hearing

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 principal 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 principal 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 Principal 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.

Flowchart

Summary of Dealing with Complaints



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:

References

Elizabeth Smith, Model Policy, November 2005

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