

**Atwood Primary Academy**

# **Complaints Procedure Statement**



**Date: September 2021**

**Review Date: September 2022**

**(or to meet new legislation and practices)**

Signed By: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

## **Procedure on the Handling of Concerns and Complaints**

This policy applies to all concerns and complaints other than

- **Child Protection** issues and
- **Exclusions** where separate procedures apply

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010.

### **Timescales:**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the academy is open. The definition of "working day" excludes weekends and Bank Holidays.

### **Policy Aim and Statement**

#### **Aim:**

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The academy expects that most concerns can be resolved informally. All concerns will be taken seriously kept confidential.

#### **Statement:**

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our academy culture. We intend that parents and pupils should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at the academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

## **Stage 1: Informal Complaints**

### **1. Concerns**

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the concern initially with the Class Teacher or the Head teacher as appropriate. The academy will ensure that informal complaints are resolved within 10 working days of being raised.

### **2. Unresolved concerns**

A concern which has not been resolved informally within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

### **3. Record of concerns**

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## **Stage 2: Formal Complaints**

### **4. Notification**

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Academy's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Head teacher of the Academy concerned or the Chair of Governors, as appropriate (complaints regarding the Head teacher should go to the Chair of Governors). Should a formal written complaint be received by another member of the academy's staff, this should be immediately passed to the Head teacher of the Academy concerned, the appropriate member of the Leadership Team or Chair of Governors.

## **5. Acknowledgement**

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

## **6. Investigation and resolution**

The Head teacher may deal with the matter personally or delegate a senior member of staff to act as “investigating officer.” The “investigating officer” may request additional information from the complainant and will fully investigate the issue. In most cases the Head teacher of the Academy or investigating officer will meet or speak with the parent/carer to discuss the matter.

## **7. Outcome**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint.

## **8. Record of complaints**

Written records will be kept of any meetings and interviews held in relation to the complaint.

## **9. Unresolved Complaints**

Where the complainant is not satisfied with the academy’s response to their complaint they may have their complaint considered by an independent Complaints Panel.

### **Stage 3 – Complaint Heard by the Complaints Panel**

## **10. Request**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten (10) working days of the date of the academy’s decision made at Stage 2.

## **11. Acknowledgement**

Where an appeal is received, the academy will within (three) 3 working days refer the matter to the Clerk of the Governors who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within (three) 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

## **12. Panel Hearing**

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request. If this is not possible we will communicate if this is not possible.

## **13. Panel Membership**

The Panel will consist of two Governors who have not previously been involved in the complaint and one person independent of the management and running of the academy (the process used for selecting the independent person will conform to relevant guidance). In deciding the make-up of the Panel, Governors need to try and ensure that it is a cross-section of Governors and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

## **14. 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

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

## **15. Attendance**

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the parents/carers and/or one representative
- the Head teacher and/or one representative
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

## **16. Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including; documents

- A chronology and key dates
- B written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than (five) 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than (three) 3 working days in advance of the Panel Hearing.

## **16. Roles and Responsibilities**

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

All panels considering complaints must 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 decisions

### **The Role of the Chair of Governors or Nominated Governor:**

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 or 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.

## **18. Decision**

The Panel will reach a decision in private, and the intention is to make a decision immediately where possible but definitely within 10 days. The decision reached is final.

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

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Governors and the Head teacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel, and will be sent as soon as practically possible but within 5 working days

## **20. Record Keeping**

The Academy will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

## **21. 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. Please see Appendix D and E for further details of how such complaints will be dealt with and examples of behaviour, which will not be tolerated.

## **Appendix A – Checklist**

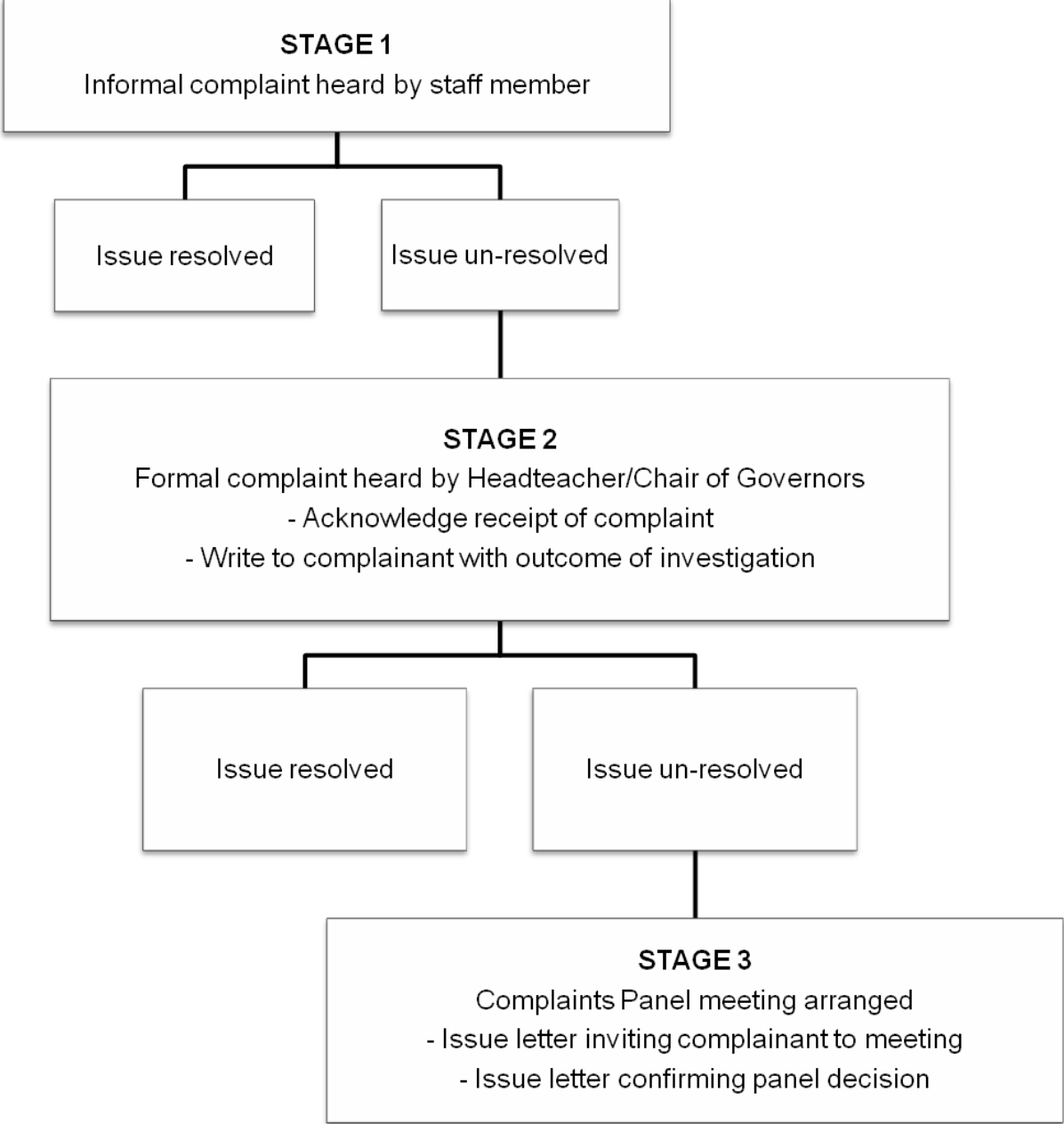
### **Checklist for a Panel Hearing:**

- 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 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 the panel within a set time-scale



**Appendix B: Summary of dealing with complaints**

If a formal complaint is made, Stage 2 of the process is automatically invoked.



**Appendix C: Complaint Form**

Please complete and return to the Clerk to Governors (complaints co-ordinator) who will acknowledge receipt and explain the complaints process.

**Your Name** \_\_\_\_\_

**Pupil's name** \_\_\_\_\_

**Your relationship to the pupil (if relevant)** \_\_\_\_\_

**Address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone number (day)** \_\_\_\_\_

**Telephone number (evening)** \_\_\_\_\_

**Please give brief details of your complaint**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What action, if any, have you already taken to try to resolve your complaint?  
(Who did you speak to and what was their response?)**

---

---

---

---

---

**What actions do you feel might resolve the problem at this stage?**

---

---

---

---

---

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

---

---

---

---

---

**Signature \_\_\_\_\_ (Complainant)**

**Date \_\_\_\_\_**