

## Complaints Policy

Review frequency: Every 2 years.

Review date: 6<sup>th</sup> June 2017

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the Principal.

Legislation:

Academies, free schools and independent schools - The Education (Independent Schools Standards) Regulations 2010.

<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>

### Introduction

We believe that our school provides an outstanding education for all our children and that the Principal and all other staff work very hard to build positive relationships with all parents / carers.

However, should parents/carers be unhappy with the education their child is receiving or would have any concern relating to the school, we encourage that person to talk to the child's class teacher immediately, as it is in everyone's interest that complaints are resolved at the earliest possible stage.

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

To that effect, the following policy sets out the procedures that should be followed in cases of complaints and/or concerns expressed by parents/carers.

### Stage One: Complaint Heard by Staff Member

Informal discussion with the class teacher

If a parent/carer is concerned about anything to do with the education that ESUK is providing, he or she should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at the school, and is making good progress; they always want to know if there is a

problem so that they can take action before the problem seriously affects the child's progress or wellbeing.

At this stage, it is not necessary to record or monitor complaints, and there are no specific time scales to be followed. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible. The complainant should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

#### Circumstances under which the initial complaint may be brought to another member of ESUK staff, or to the Governing Body

The school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with the child's class teacher, that their concern is of a serious nature, or that it concerns matters beyond the control of individual teachers. In these cases, the parent/carer should engage with the head of the child's section (either Head of Primary or Head of Secondary), who will co-ordinate a response to the complaint.

Where the complaint concerns the head of section, the complainant should engage with the Principal. Where the complaint concerns the Principal, the Head of the child's section shall refer the complainant to the Chair of the Governing Body. Where a complaint is made against the Governing Body as a whole, the Chair of the Governing Body, or any individual governor, it should be made to the Clerk to the Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator (typically the Head of Primary or Head of Secondary) 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.

Note that, if a first approach is made to a governor, the next step will be to refer the complainant to the appropriate member of ESUK staff and advise them about the procedure. Governors will not act unilaterally on any 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**

If the issue is unresolved after stage one, or should the complainant be dissatisfied with the way the complaint was handled at stage one, he or she should engage with the Principal as per the following procedure:

#### Initial meeting

Before proceeding with a formal investigation, the Principal will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Principal will decide whether the individual's complaint will be dealt with by this policy or another appropriate mechanism.

### Elements of the formal complaint

If the complainant wishes to proceed with a formal complaint after this initial meeting, they should write to the Principal with details of:

- The complaint and details of their previous communications
- Any attempts they made to raise / resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem
- Any staff they would prefer not to discuss the issue with
- The reason why they are not satisfied

### Investigating the complaint

The Principal will investigate the complaint and review any relevant documentation and information. If necessary, the Principal will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed. As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union. When pupils are interviewed, an additional member of staff should always attend.

### Response and recourse

The Principal will respond within ten working days of a complaint being lodged. Note that the Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

If the complainant is still not satisfied with the Principal's response, they can appeal to the governing body (see below).

If the complaint has been made against the Principal, however, this stage will be omitted. In such a case, if informal discussion with the Chair of the Governing Body or other Governor(s) fails to resolve the issue, the complaint will be heard by a Governing Body complaints appeal panel.

### **Stage Three: Complaint Heard by a Governing Body Complaint Appeal Panel**

If the complainant remains dissatisfied, they may lodge a formal complaint with the Chair of the Governing Body. To do so the complainant needs to write to the Chair of the Governing Body giving details of the complaint as per above and the reason(s) following which he/she still is dissatisfied. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

### Decision on how to proceed

Upon receiving a formally submitted complaint at this stage the Chair of the Governing Body will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of the Governing Body to resolve the issue with the complainant by other means without the need for a complaints committee review.

In rare cases, the Chair of the Governing Body can write to a complainant and refuse to consider their complaint at stage 3 if the Chair feels that there are insufficient grounds to do so or if the complaint has already been considered at this stage. The complainant should be

advised that if no substantive new issue is raised, any future correspondence will not receive a response.

### Constitution of the complaint appeal panel and key roles

If the Chair of the Governing Body decides to convene a Governing Body complaint appeal panel, they or a nominated governor will engage the Clerk to the governors and convene the panel, typically within 15 working days.

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, the chair of governors or the delegated governor need to try and ensure that it is a cross-section of the categories of governors and be sensitive to the issues of race, gender and religious affiliation.

The Chair of the Governing Body or the delegated governor will appoint a panel which will consist of at least three people as described above. One of the panel members must be external to the school, acting neither as a member of staff nor as a governor. The panel will nominate a Chair, and the meeting will be recorded by the Clerk to the governors.

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.

The Clerk of Governors 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 of the panel's decision.

Note that individual complaints are not be heard by the full 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.

### Remit of the complaint appeal panel

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that 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 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

#### Proceedings of the complaint appeal panel

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.

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.

To that effect:

- The appeal will be closed to the public
- The complainant may attend and be accompanied by one other person
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- The panel may ask questions at any point
- The panel will deliberate in private
- The panel will inform the complainants of the decision as quickly as possible and in no more than five working days

For most complaint, parents cannot take their appeal further than the Governing Body. If a complainant feels that the school has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education.