


“Maximising students’ abilities, ambitions and academic potential”

Complaints Policy

Recommended by: Staff and Student Committee	
Date: June 2017	
Approved by the Full Governing Body	
Signed:	
Next review due: June 2019	

Broadoak Mathematics and Computing College is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Complaints Procedure and Guidance General Principles

Initial concerns

We should be clear about the difference between a concern and a complaint. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints.

Formal procedures should only 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. In these circumstances a complaint should be made in writing to the Headteacher.

Framework of Principles

Our 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 school's senior management team so that services can be improved.

Investigating Complaints

At each stage the person investigating the complaint will ensure 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;
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interviews.
- The College will ensure that staff undertaking investigations are suitable trained to do so.

Resolving Complaints

At each stage in the procedure we 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 school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

We will try to identify areas of agreement between the parties. We will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Complaints in relation to SEND will be handled in the same way as any other complaint, as outlined in this policy; our SENCO, Mrs Whitehouse, should be contacted to try to resolve any issues in the first instance.

Vexatious Complaints

If properly followed, our complaints procedure is expected to 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

Complaints need to be considered, and resolved, as quickly and efficiently as possible. Wherever possible, this process will be completed within a maximum of 15 school days per stage (although usually a much shorter time) of when the written complaint is received by the Headteacher. If for any reason we are unable to provide an outcome to the complaint within this timescale we will notify the complainant of the delay and give an indication of a timescale for response. Further timescales are outlined for the three stages below.

Formal complaints Procedure

There are three stages to our formal complaints procedure:

- Stage one – complaint heard by the appropriate member of staff.
- Stage two – complaint heard by the Headteacher and / or the Chair of Governors
- Stage three – complaint heard by a panel set up by the Academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the College. The complainant is allowed to attend the panel hearing and be accompanied if he/she wishes; reasonable notice will be given of the hearing date.

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 Headteacher after a meeting with the complainant.

Complaints about the Headteacher will be dealt with initially by the chair of governors.

Managing and Recording Complaints

Recording Complaints – We recognise that it is useful for us to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting, or telephone call, the member of staff involved will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

A written record will be kept of all formal complaints made, including whether they were resolved at stage 2 or progressed to a stage 3 panel hearing and what action was taken by the academy as a result of those complaints (whether or not the complaints were upheld)

Correspondence, statements and records relating to individual complaints will be kept confidential, except where the secretary of state (or someone acting on his/her behalf) requests access to them.

Governing body review – As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to our school improvement. The monitoring and review of complaints by the school and the Governing body is a useful tool in evaluating our school's performance. We can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of our procedure making changes where necessary. Complaint information shared with the whole governing body will not name individuals.

Publicising the Procedure – There is a legal requirement for the complaints procedure to be publicised. As a governing body we include details of our procedure on our website.

Complaints Procedure - The Three Stages

Stage One: Complaint heard by the appropriate member of staff (Informal)

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 school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

The ability to consider the complaint objectively and impartially is crucial. The school will respect the view of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Headteacher can refer the complainant to another staff member, or will hear the complaint themselves. Where the complaint concerns the Headteacher, the complainant will be referred to the chair of governors.

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

If the complainant is dissatisfied with the way the complaint is handled at stage one they can take their complaint to Stage Two.

Stage Two: Complaint heard by the Headteacher or Chair of Governors (Formal)

If the complainant was dissatisfied with the way the complaint was handled at stage one by a member of staff the Headteacher will hear, and investigate, the complaint and make decisions on any action to be taken. The complainant should put the complaint in writing, addressed to the Headteacher, setting out briefly the facts and stating what it is that they consider should have been done or where the College has not met reasonable expectations. A letter of acknowledgement will be sent to the complainant within 5 school days.

An investigation will be carried out by either the Headteacher or one of the Senior Leadership & Management Team, provided that they have not been involved up to this point. The scope of the investigation will be documented to ensure that all aspects are covered. The investigator will offer the complainant a meeting and will speak to others involved. Whenever reasonably possible, the meeting with the complainant will take place within 15 school days of the written complaint being received.

If the Headteacher has heard the complaint at stage one, then the Chair of Governors will hear the complaint. The complainant will write to the Chair of Governors giving details of the complaint. This will be investigated and the Chair will write to the complainant.

Stage Three: Complaint heard by the Complaints Panel (Panel Hearing)

If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise a minimum of 3 people, at least 2 of which will be Governors and which will include one person who is independent of the management and running of the school. Members of the Panel will be appointed on the basis that they have no prior knowledge of the complaint. The request must be in writing, addressed to the Head's PA at the school, within 10 school days of the response from stage 2 being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.

A letter of acknowledgement will be sent to the complainant within 5 school days. Within 15 school days of receipt of the complainant's letter the Clerk will convene a meeting of the Complaints Panel of the Governing Body together with the complainant and relevant representatives of the College. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the College and the members of the Panel. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

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.

A panel of three governors, with delegated powers to do so, will hear the complaint. The terms of reference for the panel are to:

- Draw up its procedures;
- Hear individual complaints;
- Make one or more of the recommendations below as a result of complaints.

Remit of the Complaints Panel – the complaints panel can:

- Dismiss the complaint in whole or part;
- Uphold the complaint in whole or part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the College's systems, procedures, or policies to ensure that problems of a similar nature do not recur.

The panel will provide a copy of the findings and recommendations to the complainant and, where relevant, the person complained about, and make a copy of the findings and recommendations available for inspection by the Trustees and Headteacher

The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.

If a complainant is not satisfied about the way the College has handled their complaint, they can contact the Education Funding Agency (EFA).

Panel members – points to remember – there are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor will 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 will ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school 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 well be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- 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 will need 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.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities –

The role of the clerk – the clerk will be 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 and notify all parties of the panel's decision.

The role of the chair of the complaints panel – is to ensure that:

- There is a check that the correct procedure has been followed;
- If a hearing is appropriate, that the clerk is notified to arrange the panel;
- 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 chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will usually take place within ten working days.

Checklist for the panel hearing –

- The hearing is 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 school's actions and be followed by the school'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 school's actions and response to the complaint,
- The chair of the panel explains that both parties will hear from the panel within five school days,
- All parties leave together while the panel decides on the issues.

See also:

- Whistleblowing Policy
- Policy for Dealing with Persistent or Vexatious Complaints / Harassment
- Accessibility Plan