



Academy
Oldbury

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Complaints Policy And Procedures

REVIEW DATE: September 2018

“The Academy believes that inclusive practice is central to developing quality teaching and learning. As such we endeavour to provide a supportive framework that responds to pupils’ needs and overcomes potential barriers for individuals and groups of pupils and to ensure that pupils of all abilities and needs are fully included in the life of the school. The ethos of this statement underpins all Oldbury Academy’s policies.”

School Complaints Procedure

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Executive Summary

Principles of the Procedure

Complaints

The implementation of the complaints procedure in the school is the responsibility of the Head Teacher, including making decisions about their own involvement at various stages.

Stage 1 - Informal Procedures

General day-to-day concerns should be raised initially with the class/subject teacher or Head of House/Year where applicable. On occasions individuals, who are not parents, may need to go direct to the Head Teacher. If the concern is not addressed at this stage a formal complaint can be made.

Stage 2 - Formal Complaints

All formal complaints will be logged by the school and a record of action taken noted.

All complaints will be acknowledged within five school working days. Every attempt will be made to respond to complainants, in a format that the complainant has requested, within twenty school working days.

The Head Teacher will formally investigate the complaint. They will talk to everyone involved and confirm the outcome of their enquiries with the complainant. If the Complaint is addressed to the Governing Body, the Chair or an appropriate governor will liaise with the Head Teacher to investigate and resolve. Any governor involved in a complaint at stage one will not be a member of the Complaints Panel at stage 2.

If the complaint is about the Head Teacher or a Governor the Governing Body will investigate and confirm the outcome rather than the Head Teacher.

If the complainant is not satisfied they may appeal to the Governing Body within ten school working days. When the Chair of Governors receives the complaint, they may wish to investigate and respond initially. If they feel that the nature of the complaint warrants it or if the complainant requests it following the Chair's response, the complaint should progress to stage two.

Stage 3 - Appeal to the Governing Body

If the complainant is dissatisfied with the Head Teacher's or Governors' response they may ask for it to be referred to the Complaints Panel which will comprise of three people not directly involved in the matters detailed in the complaint. At least one member of the panel will be independent of the management of the school.

Appeal requests will be acknowledged within 5 school working days and a meeting of the Complaints Panel will be held within twenty school working days.

The meeting will be minuted and a formal record of the recommendations retained. The Panel will report their findings to the complainant and the Head Teacher at the meeting (or as soon after as possible) and will confirm it in writing

If the complaint is about the action of the Head Teacher or a Governor, other Governors will investigate the original complaint.

Referral to the EFA

If the complainant feels their complaint has not been handled in accordance with the Academy's procedures, they may refer the matter to the EFA to review the process.

Role of the EFA in dealing with complaints

The EFA will check whether the complaint has been dealt with properly by the academy. It will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where the academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if it finds the academy did not deal with a complaint properly it will request the complaint is looked at again and that procedures meet the requirements set out in the Regulations.

How to contact the EFA

Referrals to the EFA should be made on the 'school complaints form please see the EFA website <https://www.education.gov.uk/help/contactus/efa>

They can also be made in writing to:

EFA Institution Complaints

Young People's Programme Management

Education Funding Agency

Earlsdon Park, 55 Butts Road Coventry CV1 3BH

Or telephone the Department's Public Communications Unit on 0370 000 2288.

Monitoring Complaints








The Academy has put in place arrangements for checking that the procedure is effective and fulfills the principles set out above. This includes a regular analysis of complaints, with reports to the Governing Body. The Academy policy follows national general guidelines which recommend that records be maintained of all formal complaints'

Staff Support





A complaint about a member of staff can be a major source of anxiety it is therefore important that members of staff involved in a complaint are kept informed about the progress (see page 8). **Please note that if the complaint relates to a Child Protection issue different procedures apply. In these cases, no information should be given to the member of staff without the agreement of Social Services and the Police.**

Other Procedures

The Complaints procedures will not be used to investigate the following statutory procedures:

-  Admissions to schools;
-  Exclusions;
-  Special Education Needs Provision (SEN Tribunal);
-  Statutory Proposals for School Re-Organisation;
-  Serious complaints against staff;
-  Child Protection Issues;
-  Risk Assessment/Claim for Damages.

Complaints can be made about:

-  Non-compliance with curriculum issues;
-  Failure to provide a satisfactory service;
-  Failure to follow policies and processes;
-  The conduct of staff/Governors.

Anonymous Complaints

Anonymous complaints would not normally be considered under this procedure, the Head Teacher or Governors will need to make a judgment and seek guidance if necessary.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint, 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);

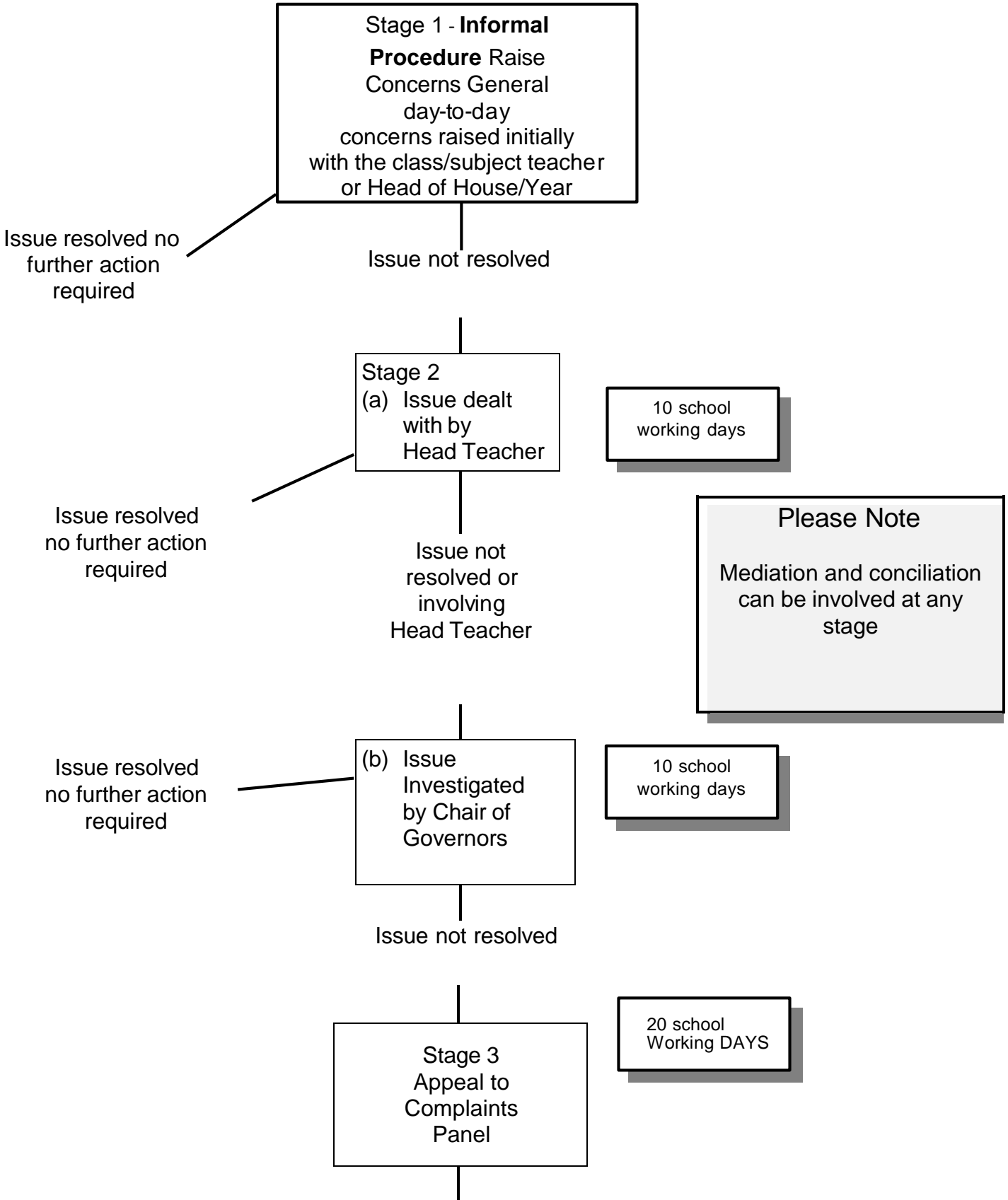
Clarify what the complainant feels would put things right;

Interview those involved in the matter and/or those complained about, 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.

School Complaints Procedure



Issue closed

Roles and Responsibilities

The Role of the Clerk

At stage 2 the clerk to the Governing Body is the contact point for complaints and will 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;
- Ensure notification to all parties of the panel's decision (unless the Chair delegates otherwise).

The Role of the Chair of the Committee

The Chair of the Committee 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.

Checklist for a Complaints Committee

Good Practice Guide

The Committee 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 Head Teacher may question both the complainant and the witnesses after each has spoken;

The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses;

The complainant may question both the Head Teacher 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 Head Teacher is then invited to sum up the school'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 timescale.

Introduction

Complaints are out there. All organisations public or private have them. Good organisations find ways to get their customers to tell them when they are not happy. It follows that a certain level of complaints indicates a “healthy” organisation. Complaints are one of the most important areas of feedback and if dealt with quickly and fairly can leave parents with a better opinion of the school than before they complained. It is essential therefore that all those involved treat complaints as a gift. It is well documented that for every one person who makes a complaint and there are at least ten others who do not. Complaints are the cheapest form of customer feedback available and we must not treat them negatively.

There is a lot to be gained from dealing properly with complaints and it will require the support of teachers, governors and the EFA to ensure that complaints are dealt with quickly, efficiently and fairly. We know that there will be occasions when people will be dissatisfied with the service provided or processes and policies adopted by the school. It is essential therefore that we have a robust complaints procedure in place which is easy to access and where results are used to improve service delivery.

A robust complaints procedure will safeguard the school against false claims of unfair treatment and offer protection against future claims. This procedure however is not for use by members of staff as there are other more appropriate procedures such as the Grievance Procedure in place to deal with these matters. There are also line management protocols and staff should be encouraged to talk to their line manager if they are unhappy with decisions, policies, procedures etc.

Background to Complaints








Governing bodies of all maintained Schools, Nurseries and **Academies** in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to them and to any community facilities or services that they provide. The law also requires the procedure to be publicised. The Governing Body of Oldbury Academy has adopted this policy which will be reviewed in accordance with external conditions and internal reflective practice as and when required.

This policy supports the ethos, staff, students and parents by establishing a clear, simple and accessible complaints procedure, which aims to resolve, issues as quickly as possible. The procedure is not intended to replace the normal discussions, which may take place on a day-to-day basis on problems and concerns as they arise. It is only where the complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

Complaints are not always easy to define. It is, therefore, important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.



Underlying Principles

The principles guiding the school's procedure for handling complaints are that it should:

-  Be easily accessible and well publicised;
-  Be simple to understand and use;
-  Allow speedy handling, with established time limits for action and keep people informed of progress;
-  Ensure a full and fair investigation in the interests of natural justice;
-  Respect people's desire for confidentiality;
-  Address all the points raised in the complaint and provide an effective response and appropriate redress;
-  Provide information to managers and Head Teachers so that services can be improved.

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:




-  The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it;
-  The way in which the complaint is likely to be handled.

Support for Staff

A complaint made against a member of staff, even if unjustified will be a major source of anxiety. In the same way that the complainant should be kept informed about the progress of their complaint and the steps you are taking to resolve it, so too should staff that are directly affected.

Staff should be informed of their right to seek representation from their Trade Union and to be supported by a friend or colleague as required.

There are three sources of support staff can access:

-  The Academy's HR Officer
-  A senior member of staff;
-  A Trade Union representative.

Where there are established statutory or other procedures for responding to dissatisfaction, these will be followed. The Complaints Procedure will not be used to investigate such matters. These include:

Admissions to schools

The Governing Body have engaged the services of Sandwell Council to co-ordinate and hear any appeals about Admissions

Exclusions

Appeals about Exclusions are dealt with by the Independent Review Board.

Special Educational Provision (SEN Tribunal)

Appeals about statutory assessments and statements of special educational needs are dealt with by the SEN Service.

Statutory Proposal for School Re-organisation

Responses to Statutory proposals about school re-organisation should be sent to the organization named in the published proposal

Serious complaints against staff

See paragraph below and consult 'Internal Staffing Procedures'.

Child Protection issues

Any allegations involving the protection of children will be dealt with in line with the Area Child Protection Committee Procedures.

Risk Assessment/Claims for Damages

Complaints involving a claim for compensation for personal injury etc. will be dealt with by the Governing Body/Trust Board through their insurers.

Internal Staffing Procedures (Disciplinary)





There will be occasions when, during the investigation of a complaint, it becomes clear that other more appropriate procedures should be invoked, e.g. Disciplinary. In such circumstances, the complainant will be contacted by the person investigating the complaint to inform them that the matter cannot be taken any further in line with the Complaints Procedure and the reasons why. Where appropriate a new contact should be given.

On occasions there may be an opportunity to continue investigating other concerns raised by the complainant as long as this does not compromise the outcome of other procedures invoked, e.g. Child Protection, Disciplinary etc. If this is the case this must clearly be communicated to all involved including the complainant.

Definition of a Complaint

“A complaint is an expression of dissatisfaction however made, about the school, the services provided and/or the actions of staff and Governors”

Complaints can be made about:

-  Non compliance with curriculum issues;
-  Failure to provide a satisfactory service;
-  Failure to follow school policies and procedures;
-  The conduct of staff/Governors.

This is not an exhaustive list

Anonymous Complaints




Anonymous complaints would not normally be considered under this procedure. However, a judgment would need to be made by the Head Teacher or Chair of Governors as to what action, if any, should be taken.

This procedure describes the various stages that make up the School Complaints Procedure. At all stages the aim of the procedure is to resolve complaints quickly at their point of origin and to reach a mutual understanding of the problems so that improvements can be made where necessary.

Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.

Conciliation between school and the complainant can be considered at any time at any stage.

When it is apparent that someone wishes to complain the person receiving the complaint must:

-  Make a detailed record of the person’s complaint containing as much detail as possible about events and the names of individuals involved or alternatively ask the complainant to put their concerns in writing if they are happy to do so;
-  Ask the complainant what resolution they would ideally like to see and make a record of the response;
-  Explain to the complainant that their complaint will be investigated in line with the Complaints Procedure, explain time scales and, where possible, identify the person who will investigate.

The Stages of Dealing with Concerns and Complaints

Stage 1 Concerns/ Informal Procedures

The vast majority of concerns/enquiries can be resolved informally. There are many occasions where concerns are resolved immediately by the Class/Subject Teacher, or the complainant may wish to make an appointment to see the Head of House/Year or Head Teacher to discuss their concerns, e.g. child has paint on clothing, child has not read for a week. Parents, pupils or residents must feel able to raise concerns with the school without any formality, either in person, by telephone or in writing. An individual may want a discussion about an issue to help decide whether he or she wishes to make a formal complaint. If they feel that their concern has not been resolved satisfactorily at this stage the matter may be addressed through the formal complaints procedure. Complainants will be advised, where appropriate, to exhaust informal procedures before considering a formal complaint.

Stage 2 - Formal Complaint

Introduction

It will be helpful for the Head Teacher (or member of staff designated to investigate) to use these guidelines to ensure a consistent approach to formal complaint handling in the school.

The implementation of a complaints procedure in school is the responsibility of the Head Teacher, including making decisions about their own involvement at the various stages. One of the reasons for having various 'stages' in a complaints procedure is to reassure complainants that more than one person can listen to their complaint if they remain unhappy with the school's initial response. The Head Teacher has the opportunity of involving other staff to collect information as part of the complaints investigation. Those decisions will need to be made taking into consideration the severity of the complaint.

Procedures

Complaints should ideally be in a written format. However, oral complaints face to face, e-mail, telephone or faxes will also be accepted; however, the person who receives oral details needs to ensure that there is a written record available for the investigating officer. The Head Teacher (or designated member of staff) will acknowledge the complaint in writing within five school working days of receiving the complaint.

The School will be sensitive to the needs of complainants who may have literacy difficulties or for whom English is not their first language. (See notes on interpreters and the hearing impaired Page 18).

The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school working days; if this is unachievable for reasons such as staff sickness etc. a letter will be sent to the complainant explaining the reason for the delay and giving a revised timescale for completion.

It may be possible, even at this stage, to reach an agreed solution to the problem. The Mediation and Conciliation Service may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, the complainant and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. The use of Mediation and Conciliation would be seen as an attempt to resolve the complaint informally and should not compromise the complainant's right to move to more formal procedures at any time.

It is essential that there is a formal record of the actions taken to investigate a complaint or to find an alternative remedy, e.g. mediation and conciliation. These records will need to be available for perusal by the Complaints Panel should the complaint be pursued at the next stage or to demonstrate to the EFA that appropriate procedures have been followed.

The Head Teacher will provide an opportunity for the complainant to meet him or her to discuss the complaint in more detail. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. Interpreting facilities should be provided as required. Equally, if staff are to be interviewed, they should be notified by the person investigating the complaint of their right to be advised or accompanied by their union representative.

Where appropriate, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed and in all circumstances a parent, carer or an approved adult must also be in attendance. The Head Teacher will keep written records of meetings, telephone conversations and other contacts.

Once all the relevant facts have been established, the Head Teacher will then produce a written response to the complainant and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the findings of the investigation and of any action taken to prevent a similar complaint from occurring again. Alternatively, the Head teacher may wish to telephone the complainant to explain their findings, if this is a more appropriate channel of communication.

Should the complainant remain unhappy following the response from the Head Teacher, they should be advised that they should appeal to the Chair of Governors, preferably in writing advising why they remain dissatisfied. At this stage the Chair may wish to investigate and respond or progress straight to stage three should the nature of the complaint suggest this is the best course of action.

The complainant will be advised in the response that should they wish to take the complaint further; they should notify the Clerk of the Governing Body within 10 school working days of receiving the response letter.

PLEASE NOTE

If the complaint involves the actions of the Head Teacher, arrangements should be made for the initial investigation to be conducted by the Governing body.

Stage 3 - Appeal to the Governing Body

Introduction

Complaints rarely reach this formal level but it is important to note that when they do they are dealt with by a panel of two Governors who have had no prior knowledge or involvement in the case plus one member who is independent of the management and running of the academy.

As this may be the last chance for a solution or compromise to be reached, every effort should be made to mediate and conciliate.






Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. In such instances full details documenting why the complainant remains dissatisfied should be recorded and passed to the Clerk of Governors.

People inevitably see many complaints as being ‘against’ a particular member of staff and/or their actions. However, all complaints, which reach this stage, will have done so because the complainant has not been satisfied by the Head Teacher’s or Governors response at the earlier stages. It is appropriate therefore for the Complaints Panel to consider that the complaint is against the “school” rather than against an individual member of staff.

Should the Complaints Panel need to interview a pupil it is essential that a parent, carer or approved adult be in attendance. Two governors should interview the child and a full written record of the interview should be retained.

Procedures

Upon receipt of a written request from a complainant to proceed to Stage 3, the procedures outlined below will be followed:

-  The Clerk of the Governing Body will write to the complainant to acknowledge receipt of the written request within five school working days
-  The acknowledgement will inform the complainant that the Complaints Panel, as appropriate, will investigate the complaint within twenty school working days of receiving the request;
-  The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint and to attend the Complaints Panel meeting in person if they so choose;
-  All documents must be received at least five school working days before the Panel meets and shared in advance with the three panel members;
-  The Clerk to the Governing Body will convene a Panel comprising of two members of the Governing Body who have had no prior involvement with the complaint and one external individual who is independent of the management and running of the school. Governors will also need to be sensitive to issues of race, gender, disability and religious affiliation.

The Panel Chair will ensure that the Panel hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the

complaint will be given to each member of the Panel at least five school working days before the hearing.

The Clerk will write and inform the Head Teacher and the complainant of the expected date of the hearing. This should be done at least five working days in advance.

The notification sent to the complainant should inform him/her of their right to be accompanied to the meeting by a friend, relative or advocate. This cannot be a solicitor acting in a legal capacity. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel, at least five school working days in advance of the meeting. The Head Teacher will be invited to attend the meeting to answer questions in relation to the investigation undertaken by the school.

The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Head Teacher's report, at least five school working days prior to the meeting.







It is the responsibility of the chair of the Panel to ensure that the meeting is properly minuted and a formal record of the recommendations retained.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.

The Panel should remember that many complainants are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is, therefore, recommended the Chair of the Panel ensures that the proceedings are as informal as the situation allows.




If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

At stage 3, the meeting should allow for:

-  The complainant to explain their complaint(s);
-  The Head Teacher to explain the school's response;
-  The Panel members to have an opportunity to question both the complainant and the Head Teacher;
-  Any party to have the right to call witnesses (subject to the approval of the Chair) and the Panel having the right to question all the witnesses;
-  Both the complainant and Head Teacher to have the right of representation/advocacy if they so wish;
-  Final statements by both the complainant and the Head Teacher.

The Chair of the Panel will explain to the complainant and the Head Teacher that the Panel will consider its decision and a written response will be sent to both parties within five school working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.

The Committee will then consider the complaint and all the evidence presented and:

-  Reach a unanimous, or majority decision on the complaint;
-  Decide upon the appropriate action to be taken to resolve the complaint;
-  Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

Recommendations will be reported to the Governing Body at an appropriate time.

A written statement outlining the decision of the Panel must be sent to the complainant and Head Teacher. If any action is to be taken against a member of staff to protect the rights of the staff concerned, only the phrase '**Appropriate action has been taken**' should be used.

The Governors will ensure that a copy of all correspondence and notes are kept on file in the Governor's records. Where pupils are involved these records should be kept separately from the pupil's personal records.

If the complaint is against a Governor, governors not previously involved will investigate the complaint.

The EFA

If the complainant feels their complaint has not been handled in accordance with the Academy's procedures, they may refer the matter to the EFA to review the process.

Role of the EFA

The EFA will check whether the complaint has been dealt with properly by the academy. It will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
2. where the academy is in breach of its funding agreement with the Secretary of State;
3. where the academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if it finds the academy did not deal with a complaint properly it will request the complaint is looked at again and that procedures meet the requirements set out in the Regulations.

How to contact the EFA

Referrals to the EFA should be made on the 'school complaints form please see the EFA website <https://www.education.gov.uk/help/contactus/efa>

They can also be made in writing to:

EFA Institution Complaints
Young People's Programme Management
Education Funding Agency
Earlsdon Park 55 Butts Road Coventry CV1 3BH

Or telephone the Department's Public Communications Unit on 0370 000 2288.

6. Complaints about a Contracted Out Service

Any person who receives a service from a private organisation with whom the Academy has a contract, has a right to register a complaint.

In the first instance, the complainant should be advised to take the issue up directly with the manager of the contracted out service where appropriate. There may be occasions where it is sensible for the Head Teacher to deal with the complaint; discretion will need to be applied.

If the complainant remains dissatisfied with the response from the contractor, then they have a right to pursue their complaint with the school who have a "duty of care" and the school complaints procedure should be invoked. The Head Teacher may need to involve an appropriate member of the Governing Body or seek independent advice if a decision is taken that may lead to the withdrawal of a contract.

What if a Complainant cannot speak English?

Complainants can also complain in any of the main minority languages in writing, i.e. Bengali, Gujarati, Hindi, Punjabi, and Urdu. If you receive a complaint written in a minority language, the help of the Brasshouse Communications Centre in Birmingham or another independent translation service may be used. Please bear in mind that the same targets will apply for resolving a complaint. SILCS can assist in receiving complaints received verbally in any of the languages mentioned above. Their telephone number is 0121-525 5815. However, there is a charge.

What if the Customer has a Hearing or Speech Impairment?

An officer at SILCS is trained in using sign language and can help in receiving complaints from people with a hearing impairment. The telephone number is 0121-525 5815. You may wish to use a service such as type talk or a minicom. For further advice on ensuring that your complaints procedure is accessible to people with a hearing impairment, contact the Hearing Impaired Unit, Social Inclusion and Health, Dagger Lane, West Bromwich, telephone number 0121-525 5347.