

SOUTH BANK ACADEMIES

Complaints Policy

At the South Bank Academies (Trust), all staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and carers and believe that all Schools (Academies and UTCs') and the parents and carers should work in partnership, each carrying out their particular responsibilities to help the students gain the most from their time at their School.

Statement of Policy

The Trust must 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.

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 School 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

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.

It may be necessary to nominate a Complaints Coordinator at each School i.e. a member of staff who has responsibility for the operation and management of the Schools complaints procedure.

Framework of Principles

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 Trust so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint (the Complaints Co-ordinator), should 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 if 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

At each stage in the procedure the School will consider ways to resolve a complaint. 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 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 Trust policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

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 Chief Executive of the Trust is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage must be set. 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.

The Formal Complaints Procedure

The Stages of Complaints

At each stage, clarification of exactly who will be involved, what will happen, and how long it will take must be communicated. 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.

The following stages are likely to be sufficient:

- **Stage One:** Complaint heard by Staff Member
- **Stage Two:** Complaint heard by the Principal (though not the subject of the complaint)
- **Stage Three:** Complaint heard by Trust's complaints appeal panel.

If a complaint concerns the conduct of the Principal, Governor or Chief Executive or where the Principal, Governor or Chief Executive has been involved in the issue previously, the process for dealing with this complaint must be explained.

Managing and Recording Complaints

Recording Complaints

A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex A. At the end of a meeting or telephone call, the member of staff should 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 should be kept and a copy of any written response added to the record.

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

Trust Review

The Trust 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, the Local Governing Body should also do this.

The process of listening to and resolving complaints will contribute to Trust-wide improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the Schools, Local Governing Body and the Trust can be a useful tool in evaluating performance.

Complaints Procedure

Stage One: Complaint Heard by Staff Member

1. It is in the interests of everyone 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 procedure, they know what to do when they receive a complaint.
2. Parents and carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or their opportunities at the School. The School will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The School will try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to the Principal who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Principal, the complainant can be referred to the Chair of Governors.

NB Complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy. In addition:

- Only complaints received in writing (preferably using the Complaints form) will be considered
- Anonymous complaints will not be considered.
- Complaints must be made within 3 months of the event. Complaints after this period will not be considered
- Line Managers or other delegated managers will investigate the complaint.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Principal 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.

4. Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate line manager. Governors should 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.
5. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within five working days of receiving a complaint. The acknowledgement will give a brief explanation of the Trust's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days, explaining the reason for the delay and providing a revised target date.

6. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.
7. Once all of the facts have been established, the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
8. A written response should contain an outline of the complaint and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate, this should also include what response the Academy will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.
9. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
 - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
 - The concern was not substantiated by the evidence
 - The concern was substantiated in part or in full. Some details may then be given of the action the School may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
 - The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).
10. This letter or report must be endorsed by the Principal. It should also inform the complainant that should she/he wish the complaint to progress to the second stage of this procedure then she/he should send a written request stating this to the Principal within 10 working days of receiving the response.

If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and should end.

Stage Two: Complaint heard by Principal

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to Stage 2 and have the Principal hear the 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.

The same timings as in Stage 1 will apply.

Stage Three: Complaint Heard by South Bank Academies Complaints Appeal Panel

The complainant needs to write to the Clerk to the Governors giving details of the complaint.

The Clerk to the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within five working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within five working days of the date of the hearing to allow adequate time for the documents to be circulated.

No person involved should have previous involvement in the complaint.

The Complaints Appeal Panel is the last Trust-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

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

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

The Chief Executive will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated members and may consist of three or five Governors (members of the relevant Local Governing Body). In this case the panel may choose their own Chair. One member of the panel will be independent of the management and running of the school.

If the complaint is about the Principal a hearing by the Chief Executive becomes Stage Two. If the complainant is unhappy they need to write to the Clerk of Governor whereupon a panel of three to five Governors (not previously involved) will hear the complaint. Their decision will be final.

The Remit of the Complaints Appeal Panel

The Complaints 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 Trust or School's systems or procedures to ensure that similar problems do not recur.

Governors or any independent members of the Appeals Panel will keep certain points clearly in mind:

- 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 Complaints Panel if they have had a prior involvement in the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel who feel their independence might be

compromised in this or any other way must draw this to the attention of the Chair of Governors. 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 ethnicity, gender and religious affiliation.

- b. 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 is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In some cases it may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.
- c. Extra care needs to be taken when the complaint directly concerns a student. The Complaints Panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent or carer is the complainant, the panel will provide the parent or carer with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the student to attend.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents and carers often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.

- d. The Governors sitting on the Complaints Panel need to be fully aware of this complaints procedure.

The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting five working days in advance. The notification to the complainant should also inform them of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Principal has the right to bring representation if so desired.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b) The Chair of the panel will invite the complainant to explain the complaint.
- c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d) The Principal will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e) The Chair of the panel will invite the Principal to make a statement in response to the complaint. At the discretion of the Chair of the panel, the Principal may invite members of staff directly involved in the complaint to supplement their response.
- f) The Committee members may question the Principal and/or members of staff about the response to the complaint.
- g) The Chair of the panel will allow the complainant to question the Principal and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- i) The Committee, the Principal and the complainant have the right to question any such witness.
- j) The Principal will be invited by the Chair of the panel to make a final statement.
- k) The complainant will be invited by the Chair of the panel to make a final statement.
- l) The Chair of the panel will explain to the complainant and the Principal that the decision of the panel will now be considered and a written decision will be sent to both parties within **15 working days**. The Chair of the panel will then ask all parties to leave, except for members of the Committee.
- m) The Committee will then consider the complaint and all the evidence presented and;
 - Reach a decision on the complaint and the reasons for it
 - Decide upon the appropriate action to be taken to resolve the complaint.
- n) The Governors sitting on the panel need to be fully aware of the complaints.

Roles and Responsibilities

The Role of the Clerk to the Governors

The Clerk to the Governors is the contact point for the complainant at Stage 3 and required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible
- ensure that the Complaints Panel is convened within 20 working days of the notice of formal complaint being received, unless all parties agree to any further deferral
- 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 outcomes of the hearing
- notify all parties in writing of the panel's decision and any recommendations within 20 working days of the hearing
- ensure that copies of all the written records of the hearing are included on the Complaints Coordinators confidential file and record of complaints.

The Role of the Chief Executive

The Nominated Governor role:

- check that the correct procedure has been followed
- if a hearing is required, notify the Clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Complaints 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 carers and others who may not be used to speaking at such a hearing are put at ease
- any friend or adviser accompanying the parent or carer/complainant is advised of their role and how the panel will arrange for their contribution to proceedings
- 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
- one member of the panel is independent of the management and running of the school
- 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

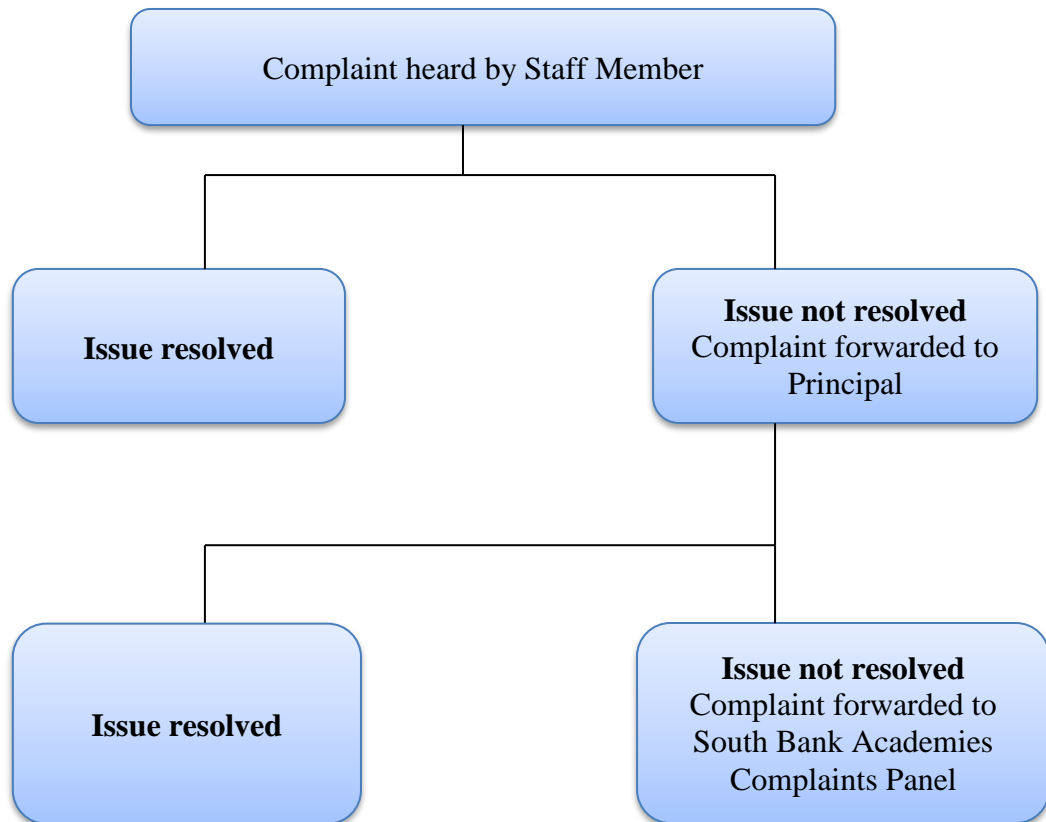
The Chair of the Panel needs to ensure, via the Clerk to the Governors, that the complainant is notified of the panel's decision and any recommendations, in writing, within 20 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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. Students may not appear as witnesses but they may provide statements.
- 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 School's actions and be followed by the School'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 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 time scale.

Flowchart Summary of Dealing with Complaints



Annex 1

Complaint Form

Please complete and return to (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the student:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?

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: