



## **General Complaints Policy**

**Policy Devised:** 21<sup>st</sup> September 2016  
**Adopted:** 10<sup>th</sup> November 2016  
**Review:** November 2018

### **INTRODUCTION**

The school welcomes feedback on the education, support and care it provides. Should there be any complaint about aspects of our work, the complaints policy can be used as a framework for registering this and this should provide the framework for resolution.

- Children as well as parents have legitimate rights to express concerns or to make complaints. In investigating any complaint, the school will consider each complaint on its own merits.
- Complaints may be made by anyone who wishes to raise a legitimate concern which needs to be addressed by the school. Most complaints would normally be made by parents / carers, but the complaints process can be accessed by others too
- Anonymous complaints cannot be examined under a complaints procedure.
- The Children Service Authority (CSA) can only get involved with general complaints after all the school stages have been tried (see Stage 4 below).
- Formal complaints should be addressed to the Principal, who is the School Complaints Officer and whose details are recorded above. The only exception to this is where the complaint is about the Principal – in which case, complaints should be made to the Chair of Governors.
- Should a complaint reveal an issue for which other procedures are in place (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.

### **STAGE 1 – INFORMAL RESOLUTION**

If a complaint is related to a curriculum area or to an aspect of wider school life, such complaints will normally be dealt with by the relevant member of staff who has direct involvement.

Complaints should therefore be made in writing to:

- The class teacher (if it is a curriculum based issue)

- The Student Support staff (if it is a pastoral issue / bullying issue / welfare issue)
- The Assistant Principal in Charge of Teaching and Learning (if it is an issue unresolved from the above, or if it is a more serious concern which cannot in the first instance be properly dealt with by either the class teacher or member of Student Support staff)

Issues at this stage should be resolved through an informal procedure of discussion and dialogue.

It is expected that most issues raised at the informal resolution stage would be resolved within 10 school days. Should any investigation likely take longer than this timeframe, the school will inform the complainant of this in writing.

Should the informal process not achieve satisfactory resolution, either party may initiate a move to the formal stage of the procedure (Stage 2 – below).

## **STAGE 2 – FORMAL WRITTEN COMPLAINTS**

Where it has not been possible to resolve a complaint by way of informal discussion, the complainant should set out the precise nature of the complaint on the model pro forma (see Appendix 1) and return this to the Principal. The Academy's Governors will not be involved at this stage. However, if the Principal or a governor is the subject of a complaint, the complainant should send the form directly to the Chair of Governors (in accordance with the additional guidance laid out in Appendix 2). If a complaint against the Principal is received by the Principal, then s/he will pass it on to the Chair of Governors immediately.

Should a complaint be about a general matter, the Principal may be able to respond immediately, e.g. if it only requires an explanation of Academy policy. For most other complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Principal or their nominee will normally undertake this investigation. However, the Principal may feel that to proceed to Stage 3 (below) is the best course of action, depending on the circumstances. The Chair of Governors will then convene a meeting of the governor panel (stage 3 below).

Complaints with respect to the conduct of a member of staff will be dealt with in accordance with the additional guidance laid out in Appendix 2. A meeting will be arranged between the complainant and the Principal (or relevant person) but this will not automatically include any member of staff named in the complaint.

All formal complaints that are received will be recorded by the Academy and acknowledged within 5 Academy days. Investigations at this stage should normally be completed within 20 Academy days of receipt of the complaint, unless there is an ongoing child protection investigation, or where the staff disciplinary procedure is involved or another exceptional circumstance. The Academy will aim to send a formal response within 5 Academy days of the completion of the investigation. This gives a target of 5 Academy weeks for the completion of this stage of the procedure. Please refer to Appendix 2 for the different timescales involved with complaints regarding the Principal or a governor.

In the letter conveying the outcome of the investigation, the complainant should be

informed of the process for referral to the Chair of Governors if they wish to take their complaint further. Should the staff Disciplinary procedures or child protection procedures have been started then the complainant will be notified that other processes are being followed. Any notification shall be confidential to protect the member of staff.

The complainant may wish to proceed to consideration of the complaint by the Governors as set out below. It is up to the complainant to make this decision within two weeks of being informed of the outcome of the stage 2 investigation, unless there are exceptional reasons why this is not possible. It is up to the Chair of Governors to decide if there are any such circumstances.

### **STAGE 3 – THE GOVERNING BODY**

In all cases where the Principal is unable to resolve a complaint to the satisfaction of the complainant, the complainant should contact to the Chair of Governors (or Vice Chair if appropriate) for the matter to be considered. All complaints that reach this stage will be recorded on existing records where available and acknowledged within five Academy days.

A hearing with a panel set up by the Chair of Governors (or Vice Chair if appropriate), comprising at least three people not directly involved in the matters details in the complaint. This will be made up of at least two Governors from the Academy and another Academy's or School's Governor who is independent of the management and running of Pool Academy. The complainant will be invited to attend the hearing if they wish and may be accompanied by one other person; however, they do not have to attend.

Individual Governors have no powers to investigate a complaint outside the complaints process. If necessary, a meeting with the complainant should be held in order to reach an appropriate solution.

The panel will normally review the investigations carried out under stage 2 and will decide whether or not any further investigation should be undertaken. However, in most cases where an investigation has been previously carried out, the panel may decide only to consider the evidence already presented. Where complaints have been referred directly to stage 3 (relating to the Principal or a governor), the panel will undertake the initial investigation.

Investigations at this stage should normally be completed within 15 Academy days of receipt of the complaint, unless there is an ongoing child protection investigation or where the staff disciplinary procedure is involved or another exceptional circumstance. The Academy will aim to send a formal response within 5 Academy days of the completion of the investigation. This gives a target of 4 Academy weeks for the completion of this stage of the procedure.

Following the stage 3 investigation, the panel will decide on one of two outcomes:-

1. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
2. Confirm that all internal investigative measures have been exhausted and uphold the original response.

The decision of the Governors' panel will be communicated in writing to the

complainant within five Academy days of the meeting. The decision is confidential to the complainant and to the Governing Body. The panel will report all outcomes of their investigations to the Governing Body.

#### **STAGE 4 - APPEALS TO THE SECRETARY OF STATE OR THE OMBUDSMAN**

Finally, complainants have a right of appeal to the Secretary of State for Education. It should be pointed out that the members of staff also have the same right of appeal.

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, this can be referred to the Local Government Ombudsman.

Please note that the Ombudsman can look into complaints about how something has been done, but she/he cannot question what has been done simply because the complainant does not agree with it. The relevant addresses are:

The Secretary of State Department for Education  
Sanctuary Buildings  
Great Smith Street  
Westminster  
London  
SW1P 3BT

Tel: 0171 925 5000

Local Government Ombudsman  
The Oaks  
Westwood Way  
Coventry  
CV4 8JB

Tel: 01203 695999

#### **Monitoring and Evaluation**

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The Academy may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the Academy complaints policy and will be responsible for monitoring complaints. Records should be retained for a period of 3 years. It is the responsibility of the Principal and Governing Body to ensure that the procedures outlined above are closely followed and a review of these procedures should be made in the light of any formal action to ensure that any parties involved feel

confident that they have been fairly represented.

### **Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

**Impact of Policy** This policy has set out clear routes and guidelines for all stakeholders who wish to make a complaint about staff or procedures at Pool Academy. This will ensure that correct procedures are followed by all concerned and that those facing a possible complaint understand their rights and responsibilities during any investigation.

**Complaints Form.**

Appendix 1.

Please complete and return to Pool Academy who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name (if applicable):

Your relationship to the pupil:

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:

Legal Policy

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## **Guidance on Complaints Regarding Staff.**

### Appendix 2

A member of staff, who is the subject of the complaint, would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff.

- I. If, at any time during the investigation, there is a prima facie case for disciplinary action, the Academy's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- II. It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- III. If a formal investigation is required, then the Academy will adhere to the following principles:-
  - a) If a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - c) The complaint will be treated as an allegation only, during the investigation stage.
  - d) The Principal will invite all parties, (including witnesses), to provide written statements as part of the investigation.

### **Additional guidance on Formal Complaints about the Principal or a Governor.**

Formal complaints about a Principal or a governor will be referred directly to the Chair of Governors. The Chair of Governors should acknowledge the written complaint in writing within 10 Academy days. The letter may include brief details of the terms of the investigation and the role of the Governors in resolving the complaint.

Depending on the nature of the complaint, the Chair of Governors may need to interview the Principal/governor and obtain witness statements. Once the chair has completed the investigation, a written response will need to be sent to the complainant outlining briefly the results of the investigation and the course of action taken by the Chair of Governors. The letter should also indicate the next stage in the process if the complainant remains unhappy with the outcome.