



KING OFFA PRIMARY ACADEMY

# COMPLAINTS POLICY

Approved by: Local Academy Board

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## **COMPLAINTS POLICY & PROCEDURE**

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 will know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the chair of the LAB.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator 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.

Where the first approach is made to a Local Academy Board (LAB) member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if LAB members did 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.

### **STAGE ONE - COMPLAINT HEARD BY HEADTEACHER**

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at the informal stage. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

### **STAGE TWO - COMPLAINT HEARD BY CHAIR OF LOCAL ACADEMY BOARD**

The complainant asks for a review of their complaint by writing to the Chair of the Local Academy Board care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints made to the chair should be acknowledged within 5 school days with a substantive response within 15 school days. The chair may need to hold interviews with the Headteacher and possibly other members of staff and notes should be kept of those meetings.

The letter conveying the chair's findings should include details of the next stage of the procedure.

The Chair may need to explain the power of the Local Academy Board in the matter in question and the extent it may be possible to achieve the outcome desired by the complainant.

### **STAGE THREE - COMPLAINT HEARD BY LOCAL ACADEMY BOARD'S COMPLAINTS PANEL**

The complainant needs to write to the Chair of the Local Academy Board giving details of the complaint. The Chair, or a nominated LAB member, will convene a complaints panel. The LAB members complaints panel is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole Local Academy Board 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.

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

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

The procedure adopted by the panel for dealing with complaints would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

### **ROLES AND RESPONSIBILITIES**

#### **THE REMIT OF THE COMPLAINTS PANEL**

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

There are several points which any LAB member sitting on a complaints panel needs to remember:

- It is important that the panel is independent and impartial and that it is seen to be so. No LAB member 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, LAB members need to try and ensure that it is a cross-section of the categories of LAB members and sensitive to the issues of race, gender and religious affiliation.

- The aim of the complaints panel, 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 has to be recognised the complainant might not be satisfied with the outcome if the panel 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.

- 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 panel, if any, the child needs to attend.

- The LAB members sitting on the panel need to be aware of the complaints procedure.

#### **THE ROLE OF THE CLERK**

The Department strongly recommends that any panel or group of LAB members considering complaints be clerked. The clerk would be the contact point for the complainant and 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
- notify all parties of the panel's decision

#### **THE ROLE OF THE CHAIR OF the LAB THE NOMINATED LAB MEMBER**

The nominated LAB member role:

- check that the correct procedure has been followed
- if a panel is appropriate, notify the clerk to arrange it

#### **THE ROLE OF THE CHAIR OF THE PANEL**

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 meeting are put at ease
- the panel 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

#### **NOTIFICATION OF THE PANEL'S DECISION**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **CHECKLIST FOR A COMPLAINTS PANEL**

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.
- 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.
- 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.