



Park Hall Academy

COMPLAINTS POLICY



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Policy Approved by Park Hall Academy Governing Body: September 2009

Policy Reviewed: September 2010

Next Policy Review Date: September 2011

This policy should be used in conjunction with the DfE Guidance, the YPLA's Complaints Policy and alongside the Academy's Home/School Agreement.

Introduction:

The majority of issues raised by parents, or pupils, are concerns rather than complaints. Park Hall Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent/carer does not feel a concern has been addressed, or it is of sufficient gravity, then the Academy's formal complaints' procedure will be used. The prime aim of Park Hall Academy's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

The following details outline the stages that can be used to resolve parental/carer complaints.

The Park Hall Academy Policy has three main stages.

In summary they are as follows: -

- Stage 1 – The Principal receives a formal written complaint. If the matter is not resolved, then the complaint goes to:-
- Stage 2 – The Principal arranges a further investigation. If the matter is still not resolved, then the complaint goes to: -
- Stage 3 – The Governing Body for a formal hearing of the complaint. An appropriate timescale will be determined by the nature of the complaint and the complainant will be informed of this in writing.

Raising a concern

Concerns can be raised with the Academy at any time and will often generate an immediate response, which will resolve the concern. Apart from the Academy's normal Parent/Carer Consultation Evenings, or other arranged meetings with specific staff, the school requests that parents/carers make their first contact with their child's Form Tutor or Head of House. On some occasions the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

Stage 1 – Making a complaint

Formal complaints should be put in writing and sent to the Principal. The complaint will be logged, including the date it was received. The Academy will normally acknowledge receipt of the complaint within three days of receiving it. In many cases this response will also report on the action the Academy



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has taken to resolve the issue and the timescales for further responses. Alternatively, a meeting may be convened to discuss the matter further. The aim will be to resolve the matter as speedily as possible.

Stage 2 – Further Investigation

If the matter has not been resolved at Stage 1, or it is felt that the matter is too serious to be dealt with at Stage 2, the Principal, or another designated member of staff, will undertake a further investigation. Following the investigation, the school will give a verbal or written response within the agreed timescale.

* **N.B.** In cases where the matter concerns the conduct of the Principal, both the Governing Body and the Principal will be informed of the complaint and the Governors will arrange for the matter to be further investigated. It is likely that the Chair of Governors will conduct such an investigation and report back to the complainant with the outcome.

Stage 3 – Appeal

If the matter has still not been resolved at Stage 2, then the school will advise the complainant of the right to refer the complaint to the Governing Body. Complainants should send their written complaint to the Chair of Governors asking for the matter to be considered by the Governors' Appeal Panel with delegated powers to hear complaints. The hearing will normally take place within ten working days of the receipt of the written request for Stage 3 investigation.

The aim of the Appeal Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. Thus it will consist of three Governors who have no previous involvement with the case. Complainants can be accompanied to the hearing by a friend/representative should they so wish. All parties will be notified of the Panel's decision in writing within three working days after the date of the hearing. The letter will also contain details of any further rights of redress available.

N.B: -The Governors' appeal hearing is the last Academy-based stage of the complaints' Process



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Annexe 1

Framework of Principles

Our Complaints Procedure:

- Encourages resolution of problems by informal means wherever possible;
- Is easily accessible and publicised;
- Is simple to understand and use;
- Is impartial;
- Is non-adversarial;
- Allows swift handling within agreed time-limits for action and keeping people informed of progress;
- Ensures a full and fair investigation;
- Respects people's desire for confidentiality;
- Addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provides information to the Academy's senior management team so that services can be improved.

The Governing Body will publicise the Complaints Policy and Procedure in

- The Academy prospectus;
- The information given to new parents when their children join the academy;
- Any home-Academy agreement;
- The Academy website.



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Annexe 2

Investigating Complaints

At each stage, the person investigating the complaint must:

- 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 of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keeps notes of the interview.
- Maintain appropriate confidentiality.

Resolving Complaints

At each stage in the procedure the Academy will 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 Academy policies in light of the complaint.

It would be useful if complainants state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

This procedure should 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 under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. 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.



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Annexe 3

Stage One: Complaint Heard by Staff Member

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

Parents/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 his/her opportunities at the Academy. The Academy 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.

The formal complaints process always takes account of the following principles:

- Any matter which may have gone wrong will be put right if at all possible;
- Systems and procedures will be reviewed in the light of the relevant circumstances;
- Only complaints received in writing (preferably using the Complaints Form) will be considered;
- Anonymous complaints will not be considered;
- Complaints will only be heard if made within three months of the event: any made after this period will not be considered;
- Line managers or other delegated managers will investigate the complaint;
- Complaints brought by staff will be investigated using the Grievance Procedure and not this Complaints Policy.

The Academy will try to respect 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 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 will be referred to the Chair of Governors.

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. 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.

Procedure:

- a) The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within three working days of receiving a complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within ten working days. If the target cannot be met a letter should be written within ten working days explaining the reason for the delay and providing a revised target date.
- b) 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.
- c) 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.



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- d) 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 action 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.'
- e) 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 Academy may be taking to review procedures 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)
- f) This letter or report must be endorsed by the Principal. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Principal within ten working days of receiving the response.
- g) If no further communication is received from the complainant within ten working days it is deemed that the complaint has been resolved.



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Annexe 4

Stage Two: Complaint Heard by Principal

If the complainant is dissatisfied with the way the complaint was handled at stage one he/she may go to Stage Two 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 One will apply.



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Annexe 5

Stage Three: Complaint Heard by Governing Body's Complaints Panel

The complainant needs to write to the Clerk to the Governors giving details of the complaint. The Chair of the Governing Body will convene a Governing Body Complaints Panel.

The Clerk to the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard by representatives of the Governing Body. This acknowledgement must be sent within three working days and should inform the complainant of the arrangements for hearing the complaint within 10 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.

The Complaints Panel will comprise three members of the Governing Body. No person involved should have had previous involvement in the complaint.

The Panel hearing is the last Academy-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 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.

The Governing Body may nominate a number of members with delegated powers to hear complaints, 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.
- One member of the Panel must be independent of the management and running of the Academy.
- The Panel members may choose their own Chair.

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 Academy's systems or procedures to ensure that problems of a similar nature do not recur.

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 may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant.
- However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in his/her favour.



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- 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/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.
- 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 him/her 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:

- The Chair of the Panel will welcome the complainant, introduce the Panel members and explain the procedure.
- The Chair of the Panel will invite the complainant to explain the complaint.
- The Committee members may question the complainant about the complaint and the reasons why it has been made.
- The Principal will be invited by the Chair of the Panel to question the complainant about the complaint and why it has been made.
- The Chair of the Panel will invite the Principal to make a statement in response to the complaint.
- At the discretion of the Chair, the Principal may invite members of staff directly involved in the complaint to supplement his/her response.
- The Committee members may question the Principal and/or members of staff about the response to the complaint.
- The Chair of the Panel will allow the complainant to question the Principal and/or members of staff about the response to the complaint.
- Any party has the right to call witnesses, subject to the approval of the Chair of the Panel.
- The Panel, the Principal and the complainant have the right to question any such witness.
- The Principal will be invited by the Chair of the Panel to make a final statement.
- The complainant will be invited by the Chair of the Panel to make a final statement.
- 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 10 working days.
- The Chair of the Panel will then ask all parties to leave except for members of the Panel.
- The Panel 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.

The Governors sitting on the Panel need to be aware of the Complaints Procedure before the meeting.



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Roles and Responsibilities

The Clerk

The Clerk is the contact point for the complainant 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;
- Notify all parties of the Panel's decision;
- Maintain appropriate confidentiality throughout the process.

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 to put their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers 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 had 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;
- Appropriate confidentiality is maintained throughout the process.

Checklist for a Panel Hearing

The Panel needs to take the following points into account:

- The hearing should be 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 his/her complaint, and be followed by his/her witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the Academy's actions and be followed by the Academy'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 his/her complaint.
- The Principal is then invited to sum up the Academy'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.



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Annexe 6

Complaint Form

Please complete this form and return to the Principal who will acknowledge receipt and explain what action will be taken.

Your name:	
Student's name:	
Student's form:	
Your relationship to the Student:	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Mobile telephone number:	

Please give details of your complaint:



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What action, if any, have you already taken to 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:

Complaint Referred to:

Date:



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Annexe 7

Timescales

Stage 1

Acknowledgement of complaint received	3 working days
Target Date for communicating a response to the complainant and the member/s of staff involved	Within 10 working days of receiving the complaint
Time in which complainant can escalate the complaint to Stage 2	Within 10 working days of receiving the Stage 1 Response to the complaint

Stage 2

Acknowledgement of complaint received	3 working days
Target Date for communicating a response to the complainant and the member/s of staff involved	Within 10 working days of receiving the complaint
Time in which complainant can escalate the complaint to Stage 3	Within 10 working days of receiving the Stage 1 Response to the complaint

Stage 3

Acknowledgement of complaint received	3 working days
Governing Body Hearing	Within 10 working days of receiving the complaint
Submission of Documents to the Panel	Within 5 working days of the date of the Hearing
Notification of Panel's decision	Within 3 working days of the Hearing