



THREE LANE ENDS ACADEMY

COMPLAINTS POLICY

JANUARY 2016



COMPLAINTS

Introduction

Three Lane Ends Academy prides itself on the quality of teaching provided for its pupils. However, if parents have concerns, they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to aspects of the school or the provision of facilities or services.

- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.
- Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff, at Three Lane Ends Academy, is the Headteacher. If the Headteacher is not available a member of the senior leadership team will act as the nominated person.
- A concern becomes a complaint only when the complainant asserts the school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

Aims

In line with the Education Act 2002, Three Lane Ends Academy will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any 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 school's senior leadership team so that services can be improved.

Dealing with Concerns Informally

- The school recognises that a vast majority of complaints and concerns can be resolved informally.
- The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
- The complainant should be able to bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- The process should be completed speedily and concluded in writing with appropriate detail.



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- Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher.
- To assist in this process a complaint form should be provided.

Monitoring and Recording Complaints

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

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

Special Circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or Governing Body.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.



Complaints Procedure

Stage 1 - Complaint Heard by Staff Member (Informal)

- Parent/carer discusses their concerns with child's teacher, or if they prefer another member of the school's teaching staff or Senior Leadership Team.
- Where the complaint concerns the Headteacher, the complaints co-ordinator (Senior Admin Officer) can refer the complainant to the chair of Governors.
- If the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.
- 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.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the parent/carer may wish to escalate the complaint to the next level of the procedure.

Stage 2 - Complaint Heard by Headteacher (Formal)

- The parent/carer should request an appointment to see the Headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- The complaint should be made via a 'Stage 2 Complaint Form' unless the complainant is unable to express the complaint in written form. The 'Stage 2 Complaint Form' should be submitted within 3 months of the incident occurring unless the complainant has valid reasons.
- The complainant's 'Stage 2 Complaints Form' should be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the academy's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school days. Where this is not possible, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Headteacher should talk to the staff member against whom the complaint has been made. If necessary, the Headteacher should interview witnesses and take statements from those involved.
- The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- Even at this stage, the school will endeavour to reach an agreed solution to the complaint. The aim will be to resolve the matter in the interests of all involved. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved.
- The Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The written response should include a full explanation of the



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decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

- Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the complainant giving a revised target date.
- If the parent/carer is not satisfied with the outcome at this stage then the complaint can be moved to the next level for an independent review by the Governing Body Panel.
- **If the concern or complaint is against the Headteacher**, in the first instance the complainant will need to write in confidence to the chair of Governors at the school. The chair of Governors will seek to resolve the issue informally before, if necessary, moving to Stage 3.

Stage 3 – Formal consideration by the Chair of the Governing Board (or other designated person)

- Complaints at this stage should be made in writing via a 'Stage 3 Complaint Form' and addressed to the Chair of School Governors no later than 10 school days following receipt of a Stage 2 outcome.
- The complainants 'Stage 3 Complaint Form' should be acknowledged in writing within 5 school days of receipt. The acknowledgment will give a target date for providing a response to the complaint. This will normally be within 10 school days. Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- The Chair of the Governing Board, on behalf of the academy, will endeavour at this stage to reach an agreed solution to the complaint.
- The Chair of the Governing Board (or designated person) should investigate the complaint appropriately.
- Once all relevant facts have been established the Chair of the Governing Board will then produce a written response to the complainant and they may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what actions the academy will take to resolve the complaint.

Stage 4 – Formal Consideration by a Complaints Panel

Guidelines

- All complaints that reach this stage will have done so because the complainant has not been satisfied by the responses received at Stages 1 through 3.
- The complainant should complete and submit a "Stage 4 Complaint Form" to request that their complaint is put before a Complaints Panel. The Chair of the Governing Board, or a nominated person, will then convene a meeting of the Complaints Panel.
- The Complaints Panel will usually be made up of members of the Governing Board; however, the academy must **ensure that at least one member of the panel is independent of the**



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management and running of the academy. The panel cannot be made up solely of Governing Board members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

- The Complaints Panel hearing is the last stage of the complaints procedure and is not convened merely to rubber-stamp previous decisions.
- It is important that the hearing should not only be independent and impartial but that it is seen to be so. This is to prevent any allegations of unfairness or bias. As such, only members who have had no prior knowledge or involvement in the case should sit on the Complaints Panel. Individual complaints should not be heard by the whole Governing 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.
- It is therefore important that individual members of the Governing Board do not become embroiled in complaints at earlier stages because of potential prejudice. If individual members are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of academy staff.
- As Stage 4 is the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation. Help and advice from the LA's Social Care Complaints Team may be particularly helpful at this stage. Parents/carers are also encouraged to seek advice at this stage if they have not previously done so.
- It is important that the Complaints Panel views the complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.

Procedures

- A Complaints Panel hearing should be requested by submitting a "Stage 4 Complaint Form" unless the complainant is unable to express the complaint in written form (advice and support is available from the LA's Social Care Complaints Team). The "Stage 4 Complaint Form" should be **submitted within 10 school days following receipt of the response from Stage 3**, unless the complainant has valid reasons.
- Following receipt of a Stage 4 request, the procedures outlined below will need to be followed:
 - (i) The academy will write to the complainant to acknowledge receipt of the written request **within 5 school days**.
 - (ii) The acknowledgement will inform the complainant that a Complaints Panel will consider the complaint **within 20 school days**. Where this is not possible, the reason for delay should be explained to the complainant along with a suggested revised target date.
 - (iii) The letter will ask the complainant (if they have not already done so) to submit, as soon as possible, a written statement setting out clearly the aspects of the complaint that they wish to be considered. The Headteacher and/or appropriate member of staff will also be invited to provide a written statement.



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The letter will also explain that the complainant and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send such documentation to the Chair of the Complaints Panel **at least eight school days** before the complaint hearing.

The notification to the Complainant and Headteacher should also inform them of their right to be accompanied to the meeting by a friend/advocate/interpreter.

- (iv) The designated Chair will convene the meeting of the Complaints Panel, ensuring that selected members have no prior knowledge of the complaint in question and that at least one member of the panel is independent of the management and running of the academy. No person 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, it is good practice to be sensitive to the issues of race, gender and religious affiliation.

The Headteacher or any other member of staff should not be a member of the Complaints Panel.

- (v) The Panel may decide to hold an initial meeting to decide on a date for the hearing and to consider the statement from the complainant and the response statement from the Headteacher to determine what other evidence they might need to establish the facts.

The Panel may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written statement and/or to attend the hearing.

**NB. The Headteacher is required to attend the complaints hearing.
Members of staff named in the complaint have a right to attend the hearing.**

- (vi) It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. School Governor Services, upon request, are usually able to provide a trained meetings clerk to undertake this duty. Complainants are not permitted to tape record the hearing but may take hand written notes of the meeting themselves.

Guidance on the role of the Chair of the Panel and a checklist for a Panel hearing can be found in School Governor Services' "Guidance to Complement the Model Complaints Procedure".

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

There are several points which members of the Complaints Panel need to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so.
- b. 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.



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However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing 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.

- c. 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.
 - d. 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 hearing, if any, the child needs to attend.
- At the conclusion of the meeting the Chair should explain that the Panel will consider all the representations made and will make its decision and write to all parties (please see paragraph 8.7) with the outcome **within 10 school days**.
 - The Headteacher, the complainant and any witnesses should then withdraw from the room at the same time to allow the Panel to reach its decision. The person taking minutes of the meeting on behalf of the Panel should ensure that one party is not left alone with the Panel in the absence of the other. The decision should cover:
 - (a) findings on the substantive complaint;
 - (b) any appropriate action to be taken by the academy or the complainant;
 - (c) where appropriate, any suggested changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.
 - A report and any recommendations should be presented to the academy's Governing Board at the next full meeting.
 - A written statement outlining the decision of the Panel must be sent to the complainant, Headteacher and any staff named in the complaint.

The Panel may wish to share a draft of the decision with the academy's legal advisors before it is sent to the complainant and Headteacher.

If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "***appropriate action has or will be taken***" should be used.

- The Chair of the Panel will need to ensure that a copy of all correspondence is kept on file in the Governing Board's records. Where relevant, these records should be kept separately from the pupil's personal records.
- It is good practice that the Headteacher reports termly to the Governing Board on compliments and complaints received, together with the outcome of each.



Appendix A

Procedure for Dealing with Unreasonably Persistent Complainants

Introduction

1. The great majority of people with complaints or concerns about the academy behave reasonably in pursuing their complaint. This means that they:
 - treat all academy staff with courtesy and respect;
 - respect the needs of pupils and staff within the academy;
 - avoid the use of violence (including threats of violence) towards people and property;
 - do not use intimidating/aggressive behaviour or inappropriate language towards academy staff;
 - recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
 - recognise that resolving a specific problem can sometimes take some time;
 - follow the academy's complaints procedures.
2. However, this appendix to the Model Complaints Procedure for Academies deals with **complainants that are unreasonably persistent**.

Definitions

3. For the purposes of this appendix, an “**unreasonably persistent complainant**” is defined as follows:

An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- *actions which are obsessive, persistent, harassing, prolific, repetitious; and/or*
- *prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or*
- *an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or*



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- *an insistence upon pursuing meritorious complaints in an unreasonable manner.*

4. For the purposes of this appendix, “**harassment**” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:

- *appear to be targeted over a significant period of time on one or more members of academy staff; and/or*
- *cause ongoing distress to individual member(s) of academy staff; and/or*
- *have a significant adverse effect on the whole/parts of the academy community; and/or*
- *are pursued aggressively.”*

Deciding whether a complainant should be deemed an unreasonably persistent complainant

5. Only the Headteacher, with the agreement of the Chair of the Governing Board, may deem a complainant an unreasonably persistent complainant.
6. The Headteacher will ensure that there is sufficient evidence available to justify the decision. He/she will consult the academy’s Legal Advisors to confirm that the evidence is sufficient.

Action to be taken where a complainant is deemed an unreasonably persistent complainant

7. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
8. Some or all of the following actions may be taken, depending on the particular circumstances of the case:
 - insisting that no member of staff should meet the complainant on his/her own;
 - restricting telephone calls from the complainant to specified days and times;
 - requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the Governing Board, who should only be contacted at the academy address;
 - merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;



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- after consulting the academy's Legal Advisors, banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.
9. However, all correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.
 10. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.



**Approach for Dealing with Complaints About
Members of the Governing Board**

INTRODUCTION

Members of Governing Boards make a special and important contribution to the running of academies. They work hard, giving freely of their time, expertise and skills. However, from time to time, a member may act or be deemed to have acted in a way that is not in the best interests of the Governing Board or the academy and, in doing so, may damage the reputation of the Governing Board. The member may be acting in good faith or be unaware of the consequences for his/her actions but, nevertheless, the Governing Board should take action. The approach to dealing with such issues is set out below.

To ensure members are aware of what is expected of them, it is good practice to adopt a Code of Conduct for Governing Board members. A model Code of Conduct can be obtained from School Governor Services.

THE PROCESS

Complaints about the behaviour or actions of a member of the Governing Board should be dealt with by the Chair of the Governing Board. However, if the complaint is about the Chair, the Vice-Chair should lead the process suggested below.

Informal Stage

A range of informal approaches can be used individually or as linked approaches to resolve any difficulties or disputes in a constructive way. The following list is not exhaustive:

- A quiet word from the Chair to explain the problem and suggest how to ensure it does not recur. This may be done in the presence of the Headteacher or another member of the board;
- A general training or information item for all members covering behaviour and conduct at a Governing Board meeting;
- The Chair could refer members to the relevant section of the DfE Governors' handbook in a Governing Board meeting;
- Training for all members at a Governing Board meeting;
- The individual member can be asked to attend an appropriate training course;
- Specific training for the member can be delivered in the academy (maybe with a small group of other members); and/or
- Meeting with the Chair and Headteacher to explain the effect of the behaviour.



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The Chair of the Governing Board should keep a record of any of these steps used, in the event that the behaviour continues and results in a formal vote to suspend or remove the member from office.

Formal Stage

If the Chair of the Governing Board determines that the complaint needs to be dealt with formally, the following process should be followed:

- a. The Chair should meet with the member to clarify the extent of the behaviour or disagreement and the reasons for it, and produce an agreed summary in writing. The member should be given an opportunity to respond. Setting a reasonable time limit would be helpful. It may be possible to close the issue at this point with formal guidance or a warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
- b. If the Chair is not satisfied with the response, then an investigation should be held. The Chair should appoint an Investigating Officer. This should be someone impartial and not involved in the difficulty or dispute in any way; it could be a member of staff or another member but need not be anyone associated with the academy.
- c. The Investigating Officer then investigates the issue, taking evidence from ALL interested parties. As interviews are likely to be a part of this process another person should accompany the Investigating Officer. The investigation should be documented in full, including notes of interviews that should be checked back for accuracy with the interviewees.
- d. The Investigating Officer should report back in writing to the Chair.
- e. A Complaints Panel should then meet to decide on the appropriate course of action. This could be:
 - (i) Dismissing the complaint;
 - (ii) Issuing guidance, warning or rebuke, either orally or in writing, depending on the seriousness of the issue;
 - (iii) Recommending that the Governing Board suspend the member for a period of up to six months;
 - (iv) Recommending that the Governing Board remove the member from office.

Governing Boards should review their articles of association / scheme of delegation and/or consult the academy's Legal Advisors to ascertain if there are any specific procedures/restrictions with regards to suspending/removing Governing Board members.



Appendix C

STAGE TWO COMPLAINT FORM

It is important that you attempt to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at the academy. Many complaints can be settled on an informal basis over the telephone by speaking directly with a member of staff or the Headteacher.

If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the academy. **The form should be completed and submitted within 3 months of the incident for the complaint to be considered.**

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint.



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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?



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Are you attaching any paperwork/evidence? If so, please give details.

Signature:

Date:

Academy use

Date acknowledgement sent:

By who:

Complaint referred to Headteacher / Designated Member of Staff:

Date:



Appendix D

STAGE THREE COMPLAINT FORM

If you are not satisfied with the response received from the Headteacher's investigation of your complaint, then please complete this form and return it to the academy. **The form should be completed and submitted within 10 school days of receipt of the Headteacher's response for the complaint to be progressed.**

Your name:

Date Headteacher's response received:

Please give details of why you are not satisfied with the Headteacher's response.

What actions do you feel might resolve the problem at this stage?



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Are you attaching any new paperwork/evidence? If so, please give details.

Signature:

Date:

Academy use

Date acknowledgement sent:

By who:

Complaint referred to Chair of the Governing Board / Designated Person:

Date:



Appendix E

STAGE FOUR COMPLAINT FORM

If you are not satisfied with the response received from the Chair of the Governing Board's/Designated Person's investigation of your complaint, then please complete this form and return it to the academy. **The form should be completed and submitted within 10 school days of receipt of the Chair of Governing Board's/Designated Person's response for the complaint to be progressed.**

Your name:
Date Chair of the Governing Board's response received:
Please provide any further details that you would wish to share with the Complaints Panel hearing your complaint.
Signature:
Date:
Academy use
Date acknowledgement sent:
By who:
Complaint referred to Chair of Complaints Panel:
Date:



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FOR ACADEMY USE ONLY

COMPLAINT MONITORING FORM

Complainant's Name:

Tel No:	Email Address:
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Nature of Complaint:

Stage 1 – Informal Concern

List any action taken to resolve the informal concern:
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Complainant satisfied with the outcome: Yes / No
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Stage 2

Date "Stage 2 Complaint Form" received in the academy:
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Date Headteacher's response sent to complainant:
--

Complainant satisfied with the outcome: Yes / No
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Stage 3

Date "Stage 3 Complaint Form" received in the academy:
--

Date Chair of the Governing Board's response sent to complainant:

Complainant satisfied with the outcome: Yes / No
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Stage 4

Date "Stage 4 Complaint Form" received in the academy:
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Date of Complaints Hearing:

Date Complaints Panel's response sent to complainant:
