

# Complaints Policy

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## Summary

Woodham Academy is committed to ensuring that all students are able to achieve their potential and beyond, within an ethos of unconditional mutual respect as reflected in our school mission “Achievement for All”.

We are constantly in pursuit of the highest possible standards of education for our young people. However, we recognise that on occasion, parents or others may wish to make a complaint about some aspect of our provision. We have adopted the guidance and procedures outlined by the Education Funding Agency (EFA), and these are reflected and where appropriate replicated in this policy.

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| <b>Date adopted</b>  | <b>November 2013</b> |
| <b>Review date</b>   | <b>Annually</b>      |
| <b>Last Reviewed</b> | <b>May 2017</b>      |

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## 1. Principles

Woodham Academy is committed to pursuing the highest possible standards of education for our young people. However, we recognise that on occasion, parents or others may wish to make a complaint about some aspect of our provision. A complaint is defined as ‘any expression of dissatisfaction, whether oral or written, and whether justified or not, from or on behalf of an eligible complainant about any aspect of Woodham Academy’s provision’.

We are committed to dealing with all complaints promptly in a fair and transparent way.

Complaints about the following issues have their own, separate, procedures and **are not considered under this document**:

- Matters that are the responsibility of the Local Authority
- Conduct of staff at the school
- Content of a statutory statement of special educational needs
- Student admissions
- Student exclusions
- Child protection

Please see Appendix A for information about where to direct complaints about these issues.

Any third party providers offering community facilities or services through the school premises, or using school facilities, are required to have their own complaints procedure in place.

## 2. Aims

This policy aims to:

- Give procedural guidance to anyone wishing to make a complaint about an aspect of the school provision
- Give procedural guidance to staff who may be involved in resolving a complaint

## 3. Purpose of a Complaints Procedure

This procedure aims to reassure parents and other with an interest in the school that:

- Where possible, complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;
- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school in practices as well as provision.

Our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and published
- 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 wherever possible
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.

#### **4. Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint makes sure 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 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

#### **5. Resolving Complaints**

At each stage in the procedure Woodham Academy will consider ways in which a complaint can be resolved and will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. 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 school policies in light of the complaint

It would be useful if complainants were encouraged to state what actions/outcome 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.

#### **6. Recording Complaints**

The school should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in Appendix B. At the end of a meeting or telephone call, it would be helpful to 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 can be kept and a copy of any written response added to the record.

#### **7. Monitoring the Policy**

The Governing Body should review their Complaints Policy regularly and monitor the number and range of complaints received, how these were dealt with and any action taken. The monitoring and review of complaints can be a useful tool in evaluating the school's performance.

#### **8. Complaints about the Headteacher**

Where it is clear that a complaint is against the Headteacher the matter has to be referred immediately to the Chair of Governors who, acting as *line manager*, will be responsible for dealing with the matter.

If it is not clear if the complaint is against the Headteacher given they are responsible for all operational decisions across the school even if made by other staff, advice from the School and Governor Support Service should be sought.

School and Governor Support Service can assist in the investigation of such complaints.

#### 9. Complaints about a governor

Where it is clear that a complaint is against a governor the matter has to be referred immediately to the Chair of Governors who, acting as line manager, will be responsible for dealing with the matter. Where the complaint is against the Chair of Governors, the matter should be referred to the Trust Board.

#### 10. Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. Our procedure has realistic time limits for each action within each stage. 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 time limits are set using school working days i.e. excluding school holidays.

At each stage it is helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility, for example, the possibility of further meetings between the complainant and the person investigating the complaint.

#### 11. Complaints Policy

##### Stage 1 Informal Stage – Complaint heard by staff member

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff and Governors are aware of the policy they will know what to do should they receive a complaint.

If the member of staff involved feels too compromised to deal with a complaint, the complaint could be referred 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 complaint concerns the Headteacher the complainant is referred to the Chair of Governors.

Where the first approach is made to a Governor, the complainant should be referred to the appropriate person and advised of the policy. Governors should not act unilaterally on an individual complaint given that they may be required to sit on a panel at a later stage of the procedure.

If the informal process has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy.

If the complainant is not satisfied with the response they should request that their concerns be referred to the Headteacher (if they have not already dealt with the issue). The complainant should be invited to put the complaint in writing to the Headteacher (or Chair of Governors if the complaint is against the Headteacher) using the form attached at Appendix B. The form should be sent to the Headteacher or Chair of Governors, as appropriate, as soon as possible. The Chair of Governors can be contacted via the school. The Headteacher will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Headteacher will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Headteacher should provide a response to the complainant within 15 school days of them requesting the involvement of the Headteacher.

##### Stage 2 – Complaint heard by Headteacher

Where the Headteacher has addressed the complaint at Stage 1 the matter should progress to Stage 3 and be heard by a Committee of the Governing Body. Where another staff member has addressed the complaint at Stage 1, the Headteacher will hear this stage.

The Headteacher should acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Headteacher may still seek to resolve the complaint informally.

The Headteacher will investigate the complaint and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed.

The written response will include reasons for the conclusions reached by the Headteacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.

##### Stage 3 – Appeal Heard by a Committee of the Governing Body

Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they should write to the Clerk to the Governing Body within 10 school days giving details of their concerns and asking for an appeal against the decision or action taken by the Headteacher. The Clerk will seek to arrange a meeting of the appropriate Committee of the school's Governing Body within 20 school days.

The Governing Body of the school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

This is the last stage of the complaints policy.

## **12. The Complaints Committee**

The Committee should consist of no less than three Governors who will appoint their own Chair. As the Chair of Governors may be involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include the Chair as a member of the Committee to avoid any possible challenge that the Chair was not sufficiently impartial. The Headteacher would be expected to attend the appeal hearing to give evidence and explain the conclusions. Parents are invited to attend and can be accompanied if they wish.

The Committee 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.

## **13. Notification of the Committee's Decision**

The Chair of the Committee needs to ensure that the complainant is notified of the Committee's decision, in writing.

The Clerk to the Governing Body will notify in writing the outcome of the appeal to the complainant and Headteacher within five school days of the hearing.

## **14. Further Recourse Education Funding Agency (EFA)**

The decision of the Governors' Complaints Committee is final however, complainants have a right of appeal to the EFA who will investigate complaints which fall into the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the EFA policy.

The EFA procedure for dealing with complaints about academies is available at [www.education.gov.uk](http://www.education.gov.uk)

## **15. Vexatious Complaints**

If properly followed, the complaints procedure will 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 Clerk to the Committee hearing the complaint at Stage 3 of the process is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **16. Monitoring and review**

The Governing Body will review the policy at least annually as part of the regular cycle of review and monitoring.

## APPENDIX A

| Types of Complaint  | Appropriate Procedure  | Contact   |
|---|--|---|
| General School Complaints (not including areas listed below)                            | School Complaints Procedure  | Headteacher of the School   |
| Matters the responsibility of Local Authority <b>only</b> e.g. Home-to-School Transport | Local Authority Complaints Procedure                                   | Strategic Commissioning, Children and Young People's Services, County Hall, Durham, DH1 5UQ   |
| Conduct of school staff (except the Headteacher)  | School Disciplinary Procedure  | Headteacher of the School   |
| Conduct of the Headteacher  | School Disciplinary Procedure  | Chair of the Governing Body via the School  |
| Special Educational Needs review of or content of statutory statement                   | First Tier Tribunal (Special Educational Needs and Disability Service) | Special Educational Needs: Placement and Provision, Children and Young People's Services, County Hall, Durham DH1 5UJ                                       |
| <u>Admissions of Pupils to:</u><br>County or Controlled Schools                         | Independent Appeal Panel (non-admission)                               | Admissions Team, Children and Young People's Services, County Hall, Durham DH1 5UJ  |
| Child Abuse   | Local Childrens' Safeguarding Board (LCSB)                             | First Contact / Social Care Direct<br>03000 267 979<br><br>Local Safeguarding Children's Board<br>3 <sup>rd</sup> Floor<br>County Hall<br>Durham<br>DH1 5UJ |

## Complaint Form

**Your name:**

**Pupil's name:**

**Name of School:**

**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?**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Procedure for Hearing the Complaint

### Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

### Order of Meeting

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Headteacher may ask questions of the complainant and witnesses.
5. The Headteacher is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Headteacher.
7. The Headteacher summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. When a decision has been made and if agreed in advance, the Chair can inform both parties orally. In any event, both parties are informed of the outcome of the complaint in writing, within 4 school days of the hearing.
13. If the complainant is not satisfied with the outcome, an appeal can be made to the EFA in line with our policies. The EFA procedure will be included with the written outcome.



## Complaints Flowchart

