

# SUNNYSIDE ACADEMY

## COMPLAINTS POLICY AND PROCEDURES

### Introduction

Sunnyside Academy prides itself on the quality of the teaching and pastoral care provided to its pupils. Parents can expect any complaint to be treated by the Academy with care and in accordance with this Complaints Policy and Procedure. The Academy makes its Complaints Policy and Procedure available to all parents and carers and prospective pupils on the Academy's website and in the school office during the school day.

This Complaints Policy and Procedure has been drafted having regard to Section 29 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010 (as amended) ("the 2010 Regulations"). In the event of any conflict between the procedure outlined in this Complaints Policy and Procedure and the 2010 Regulations, the 2010 Regulations shall apply.

In accordance with the 2010 Regulations, a written record will be kept of all complaints, whether dealt with formally or informally. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection requests access to them.

### 1. Process

The majority of issues raised by parents or carers are concerns rather than complaints. We take informal concerns seriously and handle them, if possible, without the need for formal procedures. The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The prime aim of the Academy's Complaints Policy and Procedure 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 Academy's Complaints Policy and Procedure has four main stages:

- Stage 1 (informal): complaint heard by staff member (though not the subject of the complaint);
- Stage 2 (formal): complaint heard by Headteacher
- Stage 3 (formal): complaint heard by Chair of Governors
- Stage 4 (formal): complaint heard by Governing Body's Complaints Appeal Panel

An unsatisfied complainant can **always** take a complaint to the next stage.

#### **Stage 1 (informal): complaint heard by staff member**

Complainant completes a Concerns/Worries/Complaint form see Appendix 1.

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 Governors.

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 governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors 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 2 (formal): 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 Stage 1 as well as pursuing their initial complaint. 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 3 (formal): complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

## **Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel**

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB 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 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 hearing appeals 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.

## 6. General Principles

**Informality** – it is important that complainants are encouraged to resolve their concerns informally wherever possible. Effective handling of concerns at an early stage can help to prevent escalation. Our Home/School Agreement informs parents, carers and pupils of appropriate ways to express their views about the school. This should prevent many problems from arising by giving staff an early warning of any potential difficulties. Some underlying principles should be observed whenever concerns or complaints are raised.

**Quick response** – complaints should be dealt with as speedily as possible – consistent with fairness to all concerned. Each stage of the Procedure should have clear time limits. When it is difficult to meet these, the complainant should be kept informed of progress. Care should be taken not to drag things out with unnecessary bureaucracy.

**Advice and support for complainant** – it is important that parents and carers know where they can go for information, advice and advocacy if they require it. They may seek help from local advice agencies (Citizen's Advice Bureau, Council Information Point), from individual Governors, providing such Governors and officers are able to avoid involvement in any later stages. Complainants raising concerns or complaints are entitled to be accompanied at any point in the procedure.

**Support for a person complained against** – staff who are implicated in a complaint and who may be questioned as part of the investigation must feel they are being treated fairly and that they have the opportunity to put their case forward. This Procedure should be explained to them and they should be kept informed of progress. There is a crucial balance to be maintained between supporting staff so that their rights and regulations are protected, and investigating a complaint thoroughly and impartially. Staff will be well advised to seek guidance and support from their trade union or professional association. Non-union staff would need to meet the cost of any professional advice/representation themselves.

**Confidentiality and anonymous complaints** – correspondence and conversations should be treated with discretion. Complainants must feel confident that their complaint will not penalise their child. However, all parties involved will need to be aware that some information may have to be shared, on a strictly need-to-know basis. **It is important to bear in mind that a Complaint Panel may consist of Governors who must have no previous knowledge of the complaint.** It is usually proper to disregard anonymous complaints. However, if they relate to something of a serious nature, the Headteacher or Chair of Governors should use their discretion to decide whether the gravity of the complaint warrants its investigation.

**Redress** – if the outcome of the Procedure shows the school is at fault, the range of possible responses includes one or more of the following:

- Acknowledgement and apology;
- Explanation;
- An undertaking to review/revise school policies or practices;
- A commitment to take steps to prevent a recurrence.

Concern about possible litigation should not prevent the school from admitting to parents when mistakes have been made.

**Record-keeping** – complaints can contribute to raising the quality of education by, for example, highlighting any changes in the requirements of pupils and their families. In order to be of use, they must be recorded and monitored on a regular basis by senior staff and governors. If a concern or complaint cannot be resolved immediately, but needs investigation and/or consultation with others, then a record should be made and the complainant informed that the matter is being investigated. Record keeping at the earliest stages needs only to be very basic, giving the date, name of parent and general nature of the complaint. The pro forma or concerns/worries/complaints form will be used. (Appendix 1)

**Eligibility** – ALL parents and carers are entitled to complain and to have their complaint addressed according to this procedure.

## 7. Procedure for a Complaint Panel Hearing

- Upon receipt of a written request for a Complaint Panel Hearing, the procedures outlined below should be followed:
- The Clerk to the Complaint Panel should write to the complainant within five working days to acknowledge receipt of the written request. If the exact nature of the complaint, and/or the complainant's desired outcome are not clear from their letter, clarification should be requested. Appendix 2 is a pro forma document, which can be used for this purpose. The acknowledgement should inform the complainant that the complaint will be considered by a Complaint Panel within twenty one working days of receipt of the complaint. The Clerk should also provide details of the Complaint Panel members and their status. The complainant should be told what papers will be supplied to the Complaint Panel and should be provided with a copy of these papers for their own consideration. The complainant should be given the opportunity to provide any further relevant papers for the Complaint Panel's consideration if they wish.
- The Clerk to the Complaint Panel should ensure that Complaint Panel members have no prior knowledge of the matters giving rise to the complaint, or of the way in which the complaint has been dealt with previously. The Headteacher\* and either the Chair of Governors should not be a Complaint Panel member, although they one or both of them will be present on behalf of the Academy.
- The Clerk to the Complaint Panel should be aware that it is inappropriate to include a teacher or Staff Governor on the Panel, as they would be compromised where the complaint is against a fellow member of staff at the school.
- The Clerk to the Complaint Panel will write to all parties again prior to the Complaint Panel Hearing confirming details of the date, time and location of the Complaint Panel Hearing. An outline in general terms as to how the Complaint Panel Hearing will be conducted will be provided together with confirmation of the complainant's right to be accompanied by another person if they wish. This may be a relative, teacher or friend to provide support for the complainant, but they will not be permitted to speak at the Complaint Panel hearing without the express permission of the Chair of the Complaint Panel, which will be given in exceptional cases only. (Legal representation is not considered to be appropriate.) The Clerk to the Complaint Panel will ensure that all relevant supporting documentation is sent to the

complainant, the Headteacher\* and/or Chair of Governors and each Complaint Panel member at least three working days prior to the Complaint Panel Hearing.

- The Clerk to the Complaint Panel will take minutes during the Complaint Panel Hearing. Digital or other forms of recording are not appropriate and will not be permitted.

## 8. The Remit of The Complaints Appeal Panel

The panel can:

- Dismiss the complaint in whole or part;
  - Uphold the complaint in whole or 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.
- The Complaint Panel will make findings of fact on a balance of probabilities (i.e. that the fact is more likely than not to be true, or to be as one party has relayed rather than another party).
  - The Complaint Panel will then make recommendations to the Academy aimed at resolving the complaint and/or amending the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
  - There are several points which all Complaints Panel members need 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

- The aim of the hearing, 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 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..
- 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 hearing, if any, the child needs to attend.

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

## **9. Roles and Responsibilities**

### **The Role of the Clerk to the Complaint Panel**

The Clerk to the Complaint Panel will be the contact point for the complainant and is 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.
- Make a record of the proceedings.
- Notify all parties of the Complaint Panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **The Role of the Chair of the Governing Body or the nominated governor**

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

### **The Role of the Chair of the Complaint Panel**

The Chair of the Complaint Panel has a key role, ensuring that:

- The remit of the Complaint 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 on a balance of probabilities.
- Parents, carers and others who may not be used to speaking at such a hearing are put at ease.
- The Complaint Panel Hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The Complaint Panel is open-minded and acting independently.
- No member of the Complaint 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.

## **10. Notification of the Complaint 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 (including the reasons for the decision); 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. This may be the Umbrella Trust.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

## **11. Vexatious Complaints**

If properly followed, a good 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 chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

## **12. Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Board will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, the Academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Board can be a useful tool in evaluating an Academy's performance.

## **13. Hearing the Complaint at the Meeting**

The aim of the Complaint Panel Hearing 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 will not usually be considered. However, the complainant or Headteacher can make a request for additional evidence or witnesses to be included subject to the Chair of the Complaint Panel's approval.

## Checklist for a Complaint Panel Hearing

The Complaint 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.
- 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.

**Date written:** March 2015

**Author:** Susan Tuffin

**Date Adopted by Governors:** 25 March 2015

**Reviewed:** September 2015

**Next Review due:** September 2016

## Appendix 1

### Concerns/Worries/Complaints

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

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Daytime telephone number:

Mobile number:

Please give details of your worry/concern/complaint\*

\*delete as appropriate

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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## Appendix 2

### Complaint Panel Hearing – Request Form

What do you want the Complaint Panel to recommend that the Academy do?

- Give an acknowledgement and/or apology
- Give an explanation
- Give an undertaking to recommend revision of school policies or practices
- Give a commitment to recommend steps designed to prevent a recurrence
- Other action (please specify)

Your signature: ..... Date: .....

What happens next?

- You will receive an acknowledgement that this form has been received.
- You will be invited to a Complaint Panel Hearing.
- Within fifteen working days of meeting the Complaint Panel Hearing you will receive written notification of the Complaint Panel's findings of fact and recommendations.

Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

## Appendix 3

### Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by **Headteacher**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by **Chair of Governors**

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – **Governor's complaints panel** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education