



Holbrook Academy

POLICY FOR DEALING WITH CONCERNS AND COMPLAINTS

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| Date Approved | Governing Body | 13 th October 2020 |
| Signed | L Cullen Chair of Governors | |
| Minuted | 13 th October 2020 | |
| Date of Next Review | Governing Body | Summer 2021 |

This policy takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010. It can be made available in large print or other accessible format if required. It applies wherever staff or volunteers are working with students even where this is away from the Academy, for example at an activity centre or on an educational visit.

The Academy's nominated Complaints Co-ordinator is

Mrs Nicola Mayhew

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1. Policy Aim and Statement

- 1.1 **Aim:** The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. We will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- 1.2 **Policy statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our culture. Parents, students and staff should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a student or his / her opportunities at this Academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.
- 1.3 **Application:** Separate procedures apply in the event of a child protection issue, or in relation to admissions or exclusions.

STAGE 1 - THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

If you have a concern/complaint you may register it, either verbally, or in writing. If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. This information will be relayed to a member of the senior leadership team at the earliest opportunity and a check made later to make sure that action is being taken and that it has been recorded in the Academy's log.

An opportunity will be given to discuss your concern/complaint with an appropriate member of staff, who will clarify the nature of the concern/complaint and the outcome required.

The Complaints Co-ordinator will identify the appropriate procedure and either conduct the investigation themselves, or nominate an appropriate colleague to do so. The Co-ordinator will make sure that you are clear about what action or monitoring of the situation has been decided on, only putting this in writing if this seems the best way to make things clear.

Where no satisfactory solution has been found within **10 academy working days** at the latest, the Complaints Co-ordinator will ask if you want a formal complaint to be registered.

STAGE TWO - FORMAL REFERRAL TO THE HEADTEACHER

If the complaint is about the Deputy Headteacher or the Headteacher, or the Headteacher has been so involved as not to be impartial, you must put your complaint in writing, address it to the Chair of the Governing Body and send it to the Academy's address.

Otherwise:

If you are dissatisfied and wish to escalate your complaint, the your complaint should be submitted in writing to the Complaints Co-ordinator, Mrs Mayhew. (The complaint form at Annex B may be used if you wish to do so).

Your complaint should be acknowledged in writing within **three academy working days**, giving the name and telephone number of the person who will conduct the investigation and a target date for

providing a response - this should normally be within **10 academy working days**. If there is any delay, a written explanation and revised target date should be sent.

The investigator may ask you to meet with them, to give extra information, or to explain any information provided previously. Every effort will be made to arrange a time and date convenient to you, with a minimum of 3 working days' notice. You will be able to take a friend, relative, representative or advocate who can speak on your behalf. Interpreting facilities will be made available if needed. The venue will be suitable for those with special needs, e.g. wheelchair access, hearing loop.

The investigator will interview witnesses and take statements from those involved. If the complaint centres around a student, the student should also be interviewed.

Written records of the complaint, the process of investigation, meetings, telephone conversations and other documents will be kept for two years. These are confidential to the Academy, but will be the basis of a report of the investigation if you request one.

Once all the relevant facts have been established, the Headteacher or representative will produce a report and a written response to you. They may meet with you to discuss the outcome and resolve any outstanding concerns.

The written response will include:

- a full explanation of the decision reached and the reasons for it, including clarification of any misunderstandings by any of the parties involved,
- where applicable, what action the academy will take to address the complaint and prevent recurrence, which might include an undertaking to review Academy policies,
- an apology if appropriate,
- information on how to request a review by the governing body, including the timescale, if you are not satisfied with the outcome.

STAGE THREE - GOVERNING BODY REVIEW OF HEADTEACHER'S OR CHAIR'S INVESTIGATION

A request to review a complaint investigation should be made in writing to the Chair of the Governing Body, within **28 academy working days** of receipt of the outcome letter and should give the grounds for a review.

These grounds are limited to:

- a claim that material information was not taken into account in investigating the complaint,
- a claim that procedures have not been properly applied in handling the complaint,
- a claim that there has been an incorrect interpretation of Academy policy.

The Governing Body will then nominate three members to form a Complaint Panel to review the complaint and any further documents submitted by you. The Complaint Panel will consist of :-

- two governors who have had no prior involvement with the complaint; and
- an independent person with no connection to the operation or management of the school.

If the Chair of the Governing Body has not previously been involved, s/he will chair the Panel, otherwise the Vice-Chair will do it. The Headteacher, or others involved in the original investigation, should not have a place on the panel. If the complaint is from a parent, Governors will bear in mind the advantage of having a parent governor on the Panel and will also be sensitive to issues of race, gender and religious affiliation, to ensure a fair and balanced hearing of the case.

The Clerk convenes the Complaint Panel within 28 academy working days of receipt of the review request and at the same time provides panel members with copies of all relevant correspondence and documentation. If this is extensive, the Chair of the Panel should prepare a thorough summary for the other members.

You, the Headteacher and other witnesses will be given a minimum of **5 academy working days** notice of the hearing. You will be advised of your right to bring a friend, or to be represented by someone of your choice.

A letter confirming the outcome of the review will be sent within 24 hours of the meeting taking place.

POSSIBLE OUTCOMES OF A REVIEW

- uphold the result of the original investigation, in which case a full explanation will be given
- find the complaint was justified and overturn the original decision. In this case the Complaint Panel will issue an apology and if the provision of a service or other remedial action is required, will ensure this is put in hand quickly and consider implications for procedures, staff training etc.
- find there has been no malpractice or failure of service, but that policies or resources did not permit what the complainant wanted. In this case, the Complaint Panel will consider whether or not it is appropriate for the policy or allocation of resources to be reviewed and give a full explanation of what action will be taken.

If you are dissatisfied with the decision of the Complaint Panel, you are entitled to refer your complaint to the Education and Skills Funding Agency (EFSA) who has limited powers to review the handling of the complaint in accordance with EFSA's 'Procedure for dealing with complaints about Academies'.

At the time of writing this procedure, the EFSA procedure and the EFSA academy complaints form are available at:

<https://www.gov.uk/complain-about-school>

MONITORING AND REPORTING

The Complaints Co-ordinator will record the outcome in the Academy's complaints log and identify who is responsible for carrying out and monitoring any recommended action. The Headteacher will produce a regular analysis of complaints received for the Governing Body.

COMPLAINTS RELATING TO DATA

If your concern or complaint relates to data, the first point of contact is the Academy's Data Protection Officer.

Contact details:- Schools Choice – 01473 260700 data.protection@schoolschoice.org

Alternatively, you also have the right to complain to the Information Commissioner's Office (ICO) who can be contacted on 0303 123 1113.

UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

There are rare circumstances where we will deviate from the Complaints Procedure set out above. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff or members of the governing body is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the academy;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Academy eg requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the Academy's premises;
- conduct the Complaints Committee on the papers only ie not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 3.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff and/or members of the governing body, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

ANNEX A : FLOW CHART FOR CONCERNS AND COMPLAINTS RAISED WITH THE ACADEMY

Concerns/enquiries/requests for action

Raised with class teacher or Senior Leader who ascertains facts and seeks to resolve

Informal

1. Concerns addressed and resolved informally - END
2. Complainant dissatisfied with decision and is referred to Headteacher (informal complaint)
 - Senior Leadership Team member addresses concerns and issues resolved informally - END
 - or
 - Complainant decides not to pursue formal complaint - END
3. Senior Leadership Team member does not uphold complaint, but complainant dissatisfied and pursues formal complaint
 - or
 - Senior Leadership Team member considers there is need for issue to be considered through formal complaint procedures

Formal

- Complaints Co-ordinator (or Chair if complaint is against Deputy Headteacher / Headteacher) ascertains facts and considers issues raised.
- ↓
- Complaints Co-ordinator/Chair identifies which procedure is appropriate.
- ↓
- Complaints Co-ordinator/Chair or nominated member of staff investigates complaint and Headteacher / Chair takes action – parent satisfied at outcome – END.
- Headteacher/Chair does not uphold complaint – complainant dissatisfied, and asks for a review.

Review

- Parent asks Chair of Governors (or Vice Chair if Chair investigated complaint) to review
- Chair/Vice Chair of Governors:
 - a) Checks appropriate procedure to follow
 - b) Arranges Complaint Panel membership
 - c) Acknowledges and records complaint.
 - d) Briefs key personnel
 - e) Arranges meeting to hear complaint and findings of investigating officer
 - f) Notifies complainant (and other key personnel) of outcome.
- Governors uphold complaint and take action, complainant satisfied at outcome - END
- or
- Governors do not uphold complaint – complainant dissatisfied. Chair of Governors advises complainant of any right of appeal to external body, (eg Education and Skills Funding Agency (ESFA))

If your concern or complaint relates to data, the first point of contact is the Academy's Data Protection Officer.
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ANNEX B : Academy Concerns and Complaints Procedure
Stage 2 : Concerns and Complaints Procedure Form

If there is anything, which makes it difficult for you to tell us about your complaint, for example if English is not your first language, please tell us so that we can help you.

Data Protection Act 1998

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data, to enable the school's management to monitor access to and the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to Mrs Nicola Mayhew (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

First Name:
(Mr/Mrs/Miss/ Ms/Other)

Last Name:

Your Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint. (If your complaint relates to a student, please give name of student and your relationship to that student)

What action, if any, have you already taken to try to resolve your complaint?
(Who did you speak to and what was the response?)

Academy Complaints Procedure

What would you like us to do to make improvements or put things right?

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

Signature:

Date:

Please also complete and return the attached Equal Opportunities monitoring form.

For Office Use

Date received:

Date acknowledgement sent:

By Who:

Date complaint logged:

By Who:

Complaint referred to:

Date:

Academy Complaint Form

Name.....

Equal opportunities monitoring

Data Protection Act 1998

The Personal Data that you provide will be used for the purpose of monitoring that all groups of people are able to access and use the complaints procedure and that we treat people fairly. The information that you give will be held securely and in confidence.

This information will not affect the way in which your complaint is handled. When you have filled in this form, please return it either with your complaint form, or if you prefer, after your complaint has been dealt with.

• **Gender:** Are you: Female Male

• **What age group do you fit into? (please tick one box only)**

Under 16 16 - 24 25 -34 35 - 49 50 - 64 65 - 79 80+

• **What is your ethnic group?**

Choose one section from a) – e) and then tick the one box you think best describes your cultural or ethnic background.

a) White

- British
- Irish
- Any other White background
(please write in below)

.....

b) Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background
(please write in below)

.....

c) Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background
(please write in below)

.....

d) Black or Black British

- Caribbean
- African
- Any other Black background
(please write in below)

.....

e) Chinese or other ethnic group

- Chinese
- Any other
(please write in below)

.....

• **Do you consider yourself to be disabled or to have a long term health condition?**

Yes

No