



Nailsea School

# Complaints Policy

Headteacher Mrs D. Elliott

## Complaints Policy

### **1. Rationale**

- 1.1 The school is a dynamic institution, in a changing environment educationally, economically, socially and politically. While we are constantly striving to do our best within the community it is inevitable that from time to time parents, students or members of the public will find fault with individuals or systems within our organisation, or be unhappy about decisions made by members of the organisation
- 1.2 A clear procedure for complaints will ensure that where members of the community do have issues, they can be dealt with fairly and addressed promptly
- 1.3 Where a 'complaint' is an appeal about a decision made there is a clear protocol and procedure for the appeal so that all parties are dealt with fairly

### **2. Purpose:**

- 2.1 to describe the format, procedures and processes for complaints (Appendix 1)
- 2.2 to detail the appeals procedure in cases that are not complaints but appeals against decisions made (Appendix 1)
- 2.3 to describe the roles and responsibilities of staff and governors within the complaints procedure (Appendix 2)

### **3. Guidelines:**

- 3.1 A 'complaint' made by a member of staff against another member of staff or the governors will be dealt with under a grievance procedure, not the complaints procedure
- 3.2 The Assistant Headteacher is the Complaints Officer for the school. They are responsible for keeping the records of complaints as they arise and reporting to the Governor's Resources committee or Main Governing Body as appropriate
- 3.3 The chair of the Resources Committee will be the Complaints Governor, and where a governors' Complaint Review Panel is required to review a complaint this will normally be convened from members of the Resources Committee

### **4. Review:**

- 4.1 This policy will be reviewed initially after 1 year and thereafter at 3 yearly intervals, or where legislation or personnel changes make it a requirement, and will be next reviewed October 2022
- 4.2 The chair of the Governor Resource Committee and the Complaints Officer are responsible for the review

### **5. Related Documents:**

- 5.1 Section 157 of the Education Act 2002 (with reference to Independent Schools)
- 5.2 The Education (Independent Schools Standards) Regulations 2010
- 5.3 A Guide to the Law for School Governors: May 2014
- 5.4 Appendix 1 of this policy
- 5.5 Appendix 2 of this policy
- 5.6 Appendix 3 of this policy

## **APPENDIX 1**

### **Statutory Framework:**

Section 157 of the Education Act 2002, requires, in terms of independent school standards, that regulations shall prescribe standards in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 require that "A school shall provide to pupils and prospective parents and on request others, including the Chief Inspector and Secretary of State, details of the complaint procedure set out in accordance with paragraph 7 of the regulations, and the number of complaints registered under the formal procedure during the preceding school year"

### **Application:**

This policy applies to all concerns and complaints other than those relating to Child Protection issues or to cases where parents wish to appeal against a decision by the Headteacher that a student be required to leave the Academy and if the parents seek a Governors' Review of that decision. Separate procedures apply to each of these exceptional cases.

### **Principles**

Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. The following framework of principles of principles governs our handling of complaints so that the process

- Encourages resolution of problems by informal means wherever possible
- Is easily accessible, publicised and simple to understand and use
- Is seen to be impartial
- Is non-adversarial, aiming to identify areas of agreement between the parties
- Seeks to clarify any misunderstandings between parties
- Resolves the issue maintaining the best interests of the student (s) involved (where applicable)
- Provides information to the Academy's senior staff so that services can be improved.

### **Timescales:**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Academy is open. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the Academy's website, and information about term dates is made available to parents and students periodically.

## **Stage 1: Informal Resolution**

**1.** We expect that most concerns where a parent seeks intervention, reconsideration or some other action to be taken can be resolved informally. Examples might include dissatisfaction about some aspect of the curriculum, teaching and learning, support and guidance or deployed resources of the school

Please raise the concern initially as follows:

**2.1 Education issues** – if the matter relates to the classroom, please contact the relevant Head of Faculty. If the matter relates to the Special Educational provision of the school then contact the Special Educational Needs Co-ordinator (SENCO). Wider curriculum issues should be addressed to the Headteacher.

**2.2 Pastoral issues** – for concerns relating to matters outside the classroom, please contact your child's Form Tutor, Head of House as appropriate

**2.3 Disciplinary issues** – a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it then, if not resolved, with the relevant Head of House.

**2.4 Financial or administrative issues** – all financially based complaints should be raised with the Business Manager

Should an informal concern or complaint be raised with a member of staff other than those designated at item 2.1 to 2.4 above, he or she is asked to redirect it to the appropriate individual under this policy.

**3. Unresolved concerns:** A concern which has not been resolved by informal means within ten working days from the receipt of the complaint, can be notified as a formal complaint in accordance with Stage 2 below

**4. Record of concerns:** In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## **Stage 2: Formal complaints**

**5. Notification:** The following fall within this stage: an unresolved concern under Stage 1, a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Academy's policies, procedures, management or administration. The nature of the complaint should be set out in writing with full details and sent with all relevant documents and your full contact details to the school marked 'for the attention of the Headteacher'.

Should a formal written complaint be received by another member of the Academy's staff, they will immediately pass it to the Headteacher.

**6. Acknowledgement:** Your complaint will be acknowledged by telephone or in writing normally within five working days of receipt and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

**7. Investigation and resolution:** The Headteacher may deal with the matter personally or may ask the school's Complaints Officer to deal with it. The Complaints Officer may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Following appropriate investigation, the Headteacher or the Complaints Officer will then notify you in writing of their decision and the reasons for it.

**8. Outcome:** The aim of the Headteacher or Complaints Officer would be to inform any complainant of the outcome of any investigation and the resolution to the complaint, within 15 working days from the receipt of the complaint. Where a complaint is received during an Academy holiday or close to the end of a term, they will endeavour to expedite the process if possible.

**9. Record of complaints.** The Headteacher and Complaints Officer are responsible for keeping a log of all complaints received by or referred to them under this stage of the procedure. The log should provide a brief written summary of the name of the complainant, the date the complaint was received, the matter complained of, and the manner and date of its resolution. Written records will also be kept of any meetings and interviews held in relation to the complaint.

## **Stage 3: Reference to the Chair of Governors**

**10. Notification:** If you are dissatisfied with the decision of the Headteacher or Complaints Officer under Stage 2 of this policy, your complaint may be reviewed by writing to the Chair of the Governing Body. You should write to the Chair within five working days of receiving

the decision at Stage 2. Your letter to the Chair should give full details of your complaint and enclose all relevant documents and your full contact details. Your letter will be acknowledged within five working days of receipt, indicating the action that is being taken and the likely timescale.

**11. Action by the Chair:** The Chair will arrange for your complaint to be investigated following procedures equivalent to those described in Stage 2 (above). When the Chair is satisfied that they have established all the material facts and relevant policies, so far as practicable, they will notify you in writing of their decision and the reasons for it. They will aim to provide a response within fifteen working days of receiving your letter but will inform you if this timescale will need to be increased. If you are not satisfied with the Chair's decision you may ask for the complaint to be referred to a Complaint Review Panel, by writing to the Clerk of the Governing Body (see paragraph 12 below).

#### **Stage 4: Reference to a Complaint Review Panel**

**12. Notification:** If you are dissatisfied with the decision that has been notified to you by the Chair of Governors, you may request a **final** hearing by a Complaint Review Panel. To request a hearing before the Review Panel, please write to the Clerk of the Governing Body within five working days of receipt of the decision. Your request will only be considered if you have completed the relevant procedures at Stages 1-3. Please ensure that copies of all relevant documents accompany your letter to the Clerk of the Governing Body and state the grounds for your complaint and the outcome that you desire. The Clerk of the Governing Body will acknowledge your request in writing within five working days of receipt.

**13. Review Panel:** The review will be undertaken by a Complaint Review Panel of at least three members appointed on behalf of the Governing Body and selected by the Clerk of the Governing Body, one of which would normally be the Chair of the Governors Resources Committee. The Panel members will have no detailed previous knowledge of the case, will **not** include the Chair of Governors, and one member will be independent of the management of the school. Fair consideration will be given to any bona fide objection to a particular member of the Panel.

**14. Convening the Panel:** The Clerk of the Governing Body will convene the Review Panel as soon as is reasonably practicable. The Panel will not normally sit during Academy holiday periods.

**15. Notice of hearing:** Every effort will be made to enable the Panel hearing to take place within ten working days of the receipt of your request. As soon as reasonably practical and in any event at least five working days before the hearing, the Clerk of the Governing Body will send you written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. You will have 2 working days from

receipt of the notice of the date of the hearing to appeal against any of the proposed members of the Panel. In such a case the Clerk of the Governing Body will reconstitute the Panel with ten working days and advise you at least five working days before the hearing.

**16. Attendance:** You will be asked to attend the hearing and may be accompanied by one other person such as a relative, or friend, who should not be legally qualified. Your child, if aged 13+, may attend part or all of the hearing at the discretion of the Chair. The Clerk of the Governing Body will also attend the hearing in order to keep a record of the proceedings. Copies of additional documents you wish the Panel to consider should be sent to the Clerk of the Governing Body at least three clear working days prior to the hearing.

**17.** The Chair of the Review Panel (normally the Chair of the Resources Committee) will conduct the hearing in such a way as to ensure that all those present have the opportunity to ask questions and making comments in an appropriate manner. The hearing is **not** a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses and/or take written statements into account.

**18. Adjournment:** The Chair of the Review Panel may at their discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice. The Chair will advise the participants of the length of time they feel it is necessary to adjourn and if longer than an hour, may determine that any reconvention of the Panel hearing will take place on a subsequent day. Notice of reconvening the Panel hearing, if not on the same day, will be given at least 5 working days before the date of the reconvened Panel hearing.

**19. Decision:** After due consideration of the matters discussed at the hearing, the Panel shall reach a decision, unless there is an agreed position between the parties. The Panel's decision, findings and any recommendations may be notified orally at the hearing and/or will be confirmed in writing to you, within ten working days of the date of the hearing. The decisions, findings and any recommendations will be made available for inspection on the Academy premises by the Governing Body.

**20. Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at Stage 1, 2, or 3 or if they proceed to a Complaint Review Panel hearing. The number of complaints registered under the formal procedure during the preceding Academy year will be supplied to parents on request. The Complaints Officer will report twice yearly to the main Governing Body about the number and nature of complaints dealt with at Stages 1-4, during the period since their last report. Correspondence, statements and records relating to individual complaints will be kept confidential, except to the extent required by paragraph 25(k) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will

normally be destroyed following each school inspection. In exceptional circumstances some details will be retained for a further period as necessary.

## **Who to contact**

Relevant contact details for Nailsea School:

Chair of Goves: Mrs Jo Hopkinson

Headteacher: Mrs Dee Elliott

Complaints Officer: Mr Craig Mawford

Business Manager: Mrs Sarah Hurlow

The Clerk of the Governing Body: Ms N Devaney

All the above can be contacted via the main school reception or by letter addressed to them c/o Nailsea School, Mizzymeard Road, Nailsea, Bristol BS48 2HN

## **What if you are not satisfied with the way that the school has dealt with your complaint?**

You should then write to the Education Funding Agency (ESFA). Generally the ESFA can look into complaints that fall within the following two areas;

### **1. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements**

The ESFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The ESFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the ESFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the ESFA will ensure this is put right.

## **2. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.**

One of the ESFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The ESFA will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy directly but this will depend on the evidence provided. Once the ESFA is satisfied that an academy is in breach of the funding agreement, and that the breach cannot be addressed informally, then, if appropriate, it will seek to enforce compliance through the courts.

The ESFA will also consider evidence that an academy has failed to comply with any other legal obligation placed on it. However, there may be another organisation that is better placed to consider the matter, in which case the ESFA will refer the complainant or the complaint to them.

### **The ESFA will not investigate complaints about:**

examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;

safeguarding or child protection matters, which should be taken up with the academy's Local Safeguarding Children's Board;

a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First-Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST): <http://www.justice.gov.uk/tribunals/send>;

incidents that are subject to a current investigation by the Local Government Ombudsman;

and

matters that are the subject of legal action.

The ESFA will not usually investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint. They also reserve the right not to investigate complaints considered to be vexatious or malicious or where we are satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

A complaint to the ESFA about the school should be sent by post to:

Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

More information about this process and the ESFA's response can be found at:

<http://media.education.gov.uk/assets/files/pdf/e/ESFA%20academies%20complaints%20procedure%20august%202012.pdf>

## APPENDIX 2

### **The Remit of the Governor Complaints Review Panel**

The governing body may nominate a number of members (a minimum of 3) 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 panel may choose their own chair.

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.

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There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint. When convening a panel the Clerk of the Governing Body should ensure that it contains a cross-section of the categories of governors that comprise the governing body, and is sensitive to issues of race, gender and religious affiliation. One member of the panel must be independent of the Academy.
- 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. However, it has to be recognised 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 an adult. 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.

e. The people sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The clerk would be the contact point for the complainant and 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.

### **The Role of the Chair of the Complaint Review 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 of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents 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 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 appropriate to give all parties the opportunity to consider and comment on it.

### **Notification of the 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. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

**Checklist for a Panel Hearing.** The panel needs to take the following points into account:

- The hearing is 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 Academy's actions and be followed by the Academy'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 Academy's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set timescale
- Both parties leave together while the panel decides on the issue

**APPENDIX 3     An example of a complaint form**

Your name:

Student's name:

Your relationship to the student:

Address:

Daytime contact telephone number:

Evening contact number:

Email contact:

Please give details of your complaint: