**

**COMPLAINTS POLICY**

Procedures for dealing with complaints

August 2013

Contact: The Head of School

The Newark Academy

London Road,

New Balderton,

Newark,

Notts,

NG24 3AL

# At Newark Academy we undertake to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents/carers, students and members of the public may need to make a complaint or raise concerns they have with us. This policy tells you what to do if this happens.

**Introduction**

The majority of issues raised by parents, the community or students, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow our formal complaints procedure. For us to be able to investigate a complaint, it needs to be made within six months of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of Newark Academy’s policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by us. Any complaints concerning the conduct of staff will be handled in accordance with our internal disciplinary procedures; such an investigation will remain confidential.

The following details outline the stages that can be used to resolve complaints.

Stage 1, Informal – A concern is raised and dealt with informally by a staff member.

Stage 2, Formal – Formal complaint is heard by an appropriate senior member of staff. The formal procedures are 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 to Stage 3.

Stage 3, Final – Complaint is heard by the Principal.

Stage 4, Appeal – Complaint is heard by Governing Body’s Complaints Appeal Panel.

**Stage 1 – Raising a concern**

Concerns can be raised with us at any time and will often generate an immediate response, which will resolve the concern. We request that parents/carers make first contact with the student’s Head of Year (if it is related to pastoral matters), Faculty Leader (if the concern is subject related) or if unavailable a member of the Senior Leadership Team.

It is important for all to recognise that the Academy is a busy organisation and that whilst we will do our best, it may not be possible to offer an appointment immediately.

On occasion the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within 48 working hours. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to us or email us within ten working days and state what action you would like us to take. We will then take your complaint to the next stage.

**Stage 2 – Complaint heard by an appropriate senior staff member.**

Formal complaints should be put in writing and sent to the Head of School (either by email or post) who will assign an appropriate senior member of staff to investigate the matter. The complaint will be logged, including the date it was received. We will normally acknowledge receipt of the complaint within three working days of receiving it. In many cases this response will also report on the actions taken to resolve the issue, however, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to five working days. Alternatively, a meeting may be convened to discuss the matter further.

This meeting will normally take place within ten working days. The aim will be to resolve the matter as quickly as possible. However, if you are not satisfied with the result at Stage 2 please write or email the Principal within ten working days and state what your action you would like us to take. We will then take your complaint to the next stage. You should address all aspects of, or use, the complaint form for this (see pages 9 & 10).

**Stage 3 – Complaint heard by Principal**

If the matter has not been resolved at Stage 2, the Head of School will arrange for a further investigation. Following the investigation, the Head of School will normally give a written response within ten working days as well as arranging a meeting. If you are dissatisfied with the result at Stage 3, you will need to let the Academy know within ten working days of receiving the response.

**Stage 4 – Appeal to Complaint heard by the Governing Body’s Complaints Appeal Panel**

If the matter has still not been resolved at Stage 3, then you will need to write to the Chair of Governors giving details of the complaint. The Chair or a nominated Governor will convene a Complaints Appeal panel, one member of which will be independent of the management and running of the Academy. The hearing will normally take place within ten working daysof the receipt of the written request for Stage 4 investigation. The aim of the hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel’s decision in writing within three working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further, although it should be noted that the decision of the Governor’s Complaints Appeal Panel is final. This is the link to the Department for Education’s guidance to complaints procedure, in the extreme circumstance that the situation remains unsatisfactory:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

Allegations of abuseagainst a member of staff or student must be reported to the Principal immediately. Allegations of abuse against the Principal must be reported to the Chair of Governors immediately. These are always taken very seriously.In cases where the matter concerns the conduct of the Principal, the Principal and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

**Review**

The Governing Body will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy and made available on the website.

**Approved by The Newark Academy Governing Body on ………………… by ………………………………………….**

**Date of Next Review………………………………………………………**

***Appendix 1***

**Guidance for Staff 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;
* make a note of the complaint;
* 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.

You should normally offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues. Complaints need to be considered, and resolved, as quickly and efficiently as possible (see procedure). 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.

At each stage in the procedure you will want to keep in mind ways in which a complaint can be resolved. 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 policies in light of the complaint.

It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. An effective procedure 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.

*Appendix 2*

**Appeal Panel Hearing**

The aim of the hearing, which will 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.

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 composition of the panel, Governors need to ensure that it is an appropriate cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

An effective panel will acknowledge that many complainants may feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the panel 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.

**The Role of the Clerk**

The Clerk is 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;
* record the proceedings;
* notify all parties of the panel’s decision.

**The Role of the Chair of the Governing Body or the Nominated Governor**

The role of the Chair of the Governing Body or the Nominated Governor is to:

* ensure that the correct procedure has been followed;

and

* as appropriate, request the clerk to arrange a meeting of the Appeal Panel,

**The Role of the Chair of the 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 to put 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 acts 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;
* all 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.

**Before the meeting:**

* The Clerk will ensure that all parties are notified of the arrangements for the meeting of the Appeal Panel and that all paperwork is appropriately disseminated and should be passed to the Vice-Chair if the Chair will be unable to receive the letter within 5 days.
* Members of the Governors’ Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that Staff Governors will be members of the panel.
* The letter inviting the parent/carer to attend should indicate that they may be accompanied by a friend, but not a solicitor or legal adviser.

**At the meeting:**

* The Complaints Panel must comprise at least three Governors and the Clerk.
* Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned and parent/carer put at ease.
* Everyone attending should be in the room at the same time.
* The Clerk should take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process.
* The Chair of the Panel should open the meeting stating its purpose and format to clarify this to all attendees.
* All attendees should introduce themselves stating their reason for attendance.
* The Chair of the Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. Panel members can ask questions to make sure they understand the issue from the parent’s point of view.
* The Chair of the Panel should request a verbal statement from the Principal (or her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. Panel members can ask questions to make sure they understand the issue from the Principal’s point of view.
* Members of the Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
* The Chair of the Panel must ask the complainant and the Principal (or her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
* When Panel members are satisfied that they have a clear understanding of all of the issues, the Chair will ask all parties to leave excepting the other members of the panel and the clerk.

**After the meeting:**

* The Appeals Panel members will consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
* The Governors’ Appeals Panel members will discuss the issues in private and the Clerk will record the decision. 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.
		- When the Appeals Panel has reached a decision, the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within ten working daysof the meeting. The letter will also inform the complainant as to any further course of action available to them noting that the decision of the Governor’s Appeals Panel is final subject to the correct procedure having been followed.
		- A full written record of the hearing will be retained.
		- A summarised report of all complaints will be presented to the Governing Body on an annual basis.

**Vexatious Complaints**

The aim of this policy is to ensure the management of all complaints in an effective and timely manner. However, there may be occasions when, despite all stages of the procedures having been followed, a complainant remains dissatisfied and in such cases the Chair of the Governing Body will advise in writing that the procedure has been exhausted and that the matter is now closed.

**Summary of Procedure**

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| * Witnesses are only required to attend for the part of the hearing in which they give their evidence.
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| * After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
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| * The Principal (or representative) may question both the complainant and the witnesses after each has spoken.
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| * The Principal is then invited to explain the Academy’s actions and be followed by the Academy’s witnesses.
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| * The complainant may question both the Principal and the witnesses after each has spoken.
 |
| * The panel may ask questions at any point.
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| * The complainant is then invited to sum up their complaint.
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| * The Principal is then invited to sum up the Academy’s actions and response to the complaint.
* The Chair explains that both parties will be notified of the outcome of the Appeals Panel within the designated period.
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| * The Complainant and the Principal are asked to leave the meeting to allow the Appeals Panel to discuss the issues and determine the outcome.
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**Guidance Notes for Clerk to the Appeals Panel Hearing**

**Invitations:**

* Parent/Carer (who may be accompanied).
* Chair of Governors Appeals Panel (TBC).
* Vice Chair in absence of Chair.
* An additional Governor.
* Principal (or Vice Principal).
* Independent member of the panel.

NB. Letters should indicate date and time of learning, indicate that the proceedings will be entirely confidential, and that the decision of the Appeals Panel will be final.

**Procedure for the Hearing – General**

* Chair to introduce members and ask for all parties to be introduced.
* Note that the procedure will be minuted.
* Note that the outcome will be final.
* Indicate that a record will be kept of the complaint, outcome, and subsequently notified to the Governing Body as part of a summarised annual report of complaints.
* Follow the procedure as set down in the Policy.

The Newark Academy Complaint Form

Please complete and return to Mr A Seymour (Head of School) who will acknowledge receipt and explain what action will be taken.

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| Your name: |
| Student’s name: |
| Your relationship to the student: |
| Address:Postcode:Email address: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)? |

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| 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 useDate acknowledgement sent:By who: Complaint referred to:Date:  |