

POLICY NO 23

COMPLAINTS, COMMENTS AND SUGGESTIONS

Introduction

The Phoenix Academy School prides itself on the equality of the teaching and care provided to its Students.

We welcome feedback both positive and negative to improve the quality of education and facilities we provide. Feedback is welcomed from those directly connected to the school (i.e. Students and their families) but also the wider community including neighbours or indeed previous Students.

We aim to resolve any concerns that are raised as quickly and as informally as possible to the satisfaction of all. Complaints will always follow the complaints procedure and are taken very seriously by the School and to be treated by the School in accordance with this procedure.

General Principles of Dealing with Complaints

Formal procedures should be invoked when initial attempts to resolve an issue are unsuccessful and the individual raising the concern remains dissatisfied and wishes to take the matter further.

The responsibility for the operation and management of the school complaints procedure is the Headteacher.

Framework of Principles

The Complaints procedure strives to;

- Encourage resolution by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial with respect to the duty of candour
- Allow swift handling with established time limits for action and keeping people informed of progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect an individual's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate resolution where required
- Provide information to the schools senior management team so that services and education can be improved.

Investigating Complaints

The following is considered best practice in ensuring that the individual investigating a complaint adequately covers all aspect of the issue;

- Establish what has happened so far and who has been involved
- Clarify the nature of the complaints and what remains unresolved
- Contact the complainant and potentially meet with them – especially if the investigator is unsure of any information or if further details are required)
- Clarify what the complainant requires to put things right
- Interview those parties involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct an interview with an open mind and be prepared to persist in questioning
- Keep notes of the interview or arrange for an independent note taker to record the minutes of the meeting

Resolution of Complaints

At each stage of the process an open mind should be kept in which a complaint can be resolved. It is sometimes sufficient to acknowledge that the complaint is valid in whole or in part. In addition it might be appropriate to offer one or more of the following;

- An apology
- An explanation
- An admission of how the situation could have been handled differently or better
- An assurance that the event complained of will not occur again including an explanation of the steps taken to ensure a similar occurrence can't happen again
- An undertaking to review policies, where applicable, in light of the complaint

The Phoenix Academy School Complaints Procedure

Each parent, guardian, Young Person or any other person has the right to make representations by way of comments, compliments or complaints. This procedure is designed to be used for both minor and major complaints.

If during the investigative stage (or any other stage) it is felt or required that external agencies should be involved, including the police and the LADO, the matter will be referred without delay and these agencies offered every assistance. The complaints procedure may need to be paused at this point.

If a complaint is made a record is maintained in the school's complaints folder. Information recorded includes the;

- name of the complainant
- date of the complaint
- nature of the complaint
- action taken
- outcome of the complaint

Details will be kept whether they were resolved at the preliminary stage, or whether they proceeded to a panel hearing.

All correspondence, statements and records of complaints are to be kept confidential.

Each complainant has access to the following procedures;

- The Phoenix Academy School complaints procedure and the services of an independent representative/advocate
- The complaints procedure of the applicable local authority
- The local area office for Ofsted
- Organisations representing the interests of young people being looked after (e.g. Childline, A.S.C., or Voice for the Child in Care)

Any person who is the subject of a formal complaint is precluded from taking any part in the investigation other than as a witness.

Any Young Person or Parent may be accompanied if they wish.

It is explicit within this procedure that any reprisals against a Young Person will not be tolerated and will be considered to be an act of gross misconduct.

This procedure is designed to allow a complaint to be fully addressed and without delay. The complaint will be fully responded to within a maximum of 28 days. The complainant will be kept informed throughout the process. The complainant and parents can be accompanied to a hearing if they wish.

The complaints procedure consists of four stages;

First stage – Informal – Complaint heard by a member of staff

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.

Employees will endeavour to deal with the matter of concern in an informal manner as soon as possible after receiving the complaint but within the same day, helping the complainant to negotiate a positive outcome. Where the complainant indicates, or due to the nature of the complaint, it would be inappropriate for the individual staff member to discuss it then the complaint should be handled by another member of staff or the Headteacher. Where appropriate the complainant can be referred to the Chair of Governors.

Similarly if the individual staff member considers that they are compromised in handling the initial complaint the complainant should be referred to another staff member based on their ability to consider the complaint objectively and impartially.

If the first approach is made to a Governor by the complainant. The Governor should refer the complainant to the appropriate person and advise the complainant about the procedure. Governors should refrain from acting unilaterally on an individual complaint outside the formal procedure or be involved at early stages in case they are needed to sit on a panel at a later stage of the procedure.

Second stage – Formal written complaint

If the complaint could not be resolved at Stage one then the complaint will be heard by the Headteacher.

It is helpful at this stage if the Complaint can be put in writing. The Young Person, parent or guardian will be helped if necessary to put in writing details of their concern.

This written complaint will then responded to by the Headteacher within 7 days of receipt.

The Headteacher may delegate the task of collating any information required to consider the response to the Complaint but not the decision, or action to be taken.

If the complaint is about the Headteacher, the Young Person, parent or guardian can address their written complaint straight to the Chair of Governors.

Third stage – Formal complaint heard by the Chair of the Governors

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

Fourth Stage – Complaint heard by the Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Clerk of 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 Governing Body complaints panel.

The Governors Appeal hearing is the last school-based stage of the Complaints process and must look objectively at the Complaint and previous attempts to resolve it during Stages 1, 2 and 3 of the Complaints process.

Individual complaints must be considered on their respective merit and consideration to who from the Governing board will hear the complaint to ensure subsequent impartiality given any disciplinary/appeal hearings that might occur following the complaint related to an employee.

The Governing body may nominate a number of employees with delegated powers to hear complaints at Stage 4 and set-out any terms of reference which may include;

- Drawing up procedures
- Hearing individual appeals
- Making policy recommendations as a result of complaints

The panel will consist of at least 3 senior team members. At least one person on the panel will be independent of the local management and running of the school.

The panel will attempt to obtain a positive outcome within 28 days.

The panel will record their findings and make any necessary recommendations. The complainant, proprietor, Headteacher and where relevant the person complained about will be given a copy of any findings and recommendations.

The remit of the Complaints Appeal Panel

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 School's systems or procedures to ensure problems of a similar nature do not recur

A Governor sitting on the Complaints panel should remember;

- a) The importance that the appeal hearing is independent and impartial and 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 strive to ensure that a cross section of people that ensures the sensitivities of race, gender and religious affiliation.
- b) That the aim of the hearing, which must always be held in private, will always be to resolve the complaint and achieve reconciliation between the school and complainant. It should be recognised that the complaint might not be satisfied with the outcome if the hearing does not find in the complainants favour. It may only be possible to establish the facts and make recommendations which will satisfy the complaint that their complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents might feel emotional when discussing issues that affect 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 complaint is a Young Person. Careful consideration of the atmosphere and proceedings will ensure that the Young Person 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 Young Person'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 Young Person needs to attend.
- e) The Governors sitting on the panel need to be aware of the Complaints procedure.

Roles and Responsibility

The role of the clerk/coordinator

Any Governor's panel hearing should have a clerk/coordinator assigned their role would be;

- Arrange the date, time, and location of the hearing ensuring that the venue and proceedings are accessible.
- Collate any written material and send to the parties in advance of the hearing (recommended at least five school days in advance)
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify the parties of the panel's decision

Best practice, the clerk should provide copies of the panel meetings with all parties involved providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is possible complainants may 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

- Check that the correct procedure has been followed
- If a hearing is requested, notify the clerk/coordinator to arrange the 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 of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made clear
- 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
- No member of the panel has a vested interest in the outcome of 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.

Notification of the Panel's decision

The Chair of the Panel or the Clerk to the Governors will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response including the reasons for the decision.

Complainant remains unhappy after Stage 4

If the matter remains unresolved the Young Person, parent or guardian will be referred to the placing authority for consideration through their complaints procedure.

Annex A shows a form that a complainant may wish to use to raise their complaint.

Annex A – Complaint Form

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

Your Name:
Student's Name (if relevant):
Your relationship to the Student (if relevant):
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?

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

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: