



NOWER HILL HIGH SCHOOL

Title:	Complaints Policy
Date of Last Review:	October 2017
Date of Ratification by Governing Body:	2 nd November 2017
Status:	Statutory
Approval Authority:	Governing Body
Staff Lead:	Headteacher
Governor Lead:	Chair of Governing Body
Review Frequency:	Every 3 Years
Location:	Website - Parents and Carers - Policies
Date of Next Review:	September 2020

Key points and summary

1. The Academy takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy aims to ensure that:
 - as far as possible all concerns are dealt with as informally as possible;
 - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
 - where a formal process is required, the steps involved are clearly outlined;
 - people are aware of their responsibilities.
3. The emphasis is to understand, investigate and resolve the complaint as early as possible.
4. The formal process has four stages:
 - a. Complaint heard by a member of staff
 - b. Complaint heard by an appropriate member of senior staff appointed by the Headteacher
 - c. Appeal heard by a Panel appointed by the Governing Body
 - d. Further appeal can be made to the Education Funding Agency.

1. Introduction and statement of intent

5. The Academy takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
6. This policy aims to ensure that:
 - as far as possible all concerns are dealt with as informally as possible;
 - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
 - where a formal process is required, the steps involved are clearly outlined;
 - people are aware of their responsibilities.

2. Scope and applicability

7. This policy applies to all complaints received by the academy.
8. This policy applies to all staff and governors.

3. The policy

Concerns and complaints

9. It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be raised with the school as soon as possible to allow for a proper investigation should the need arise.
10. A concern may arise (for example)
 - from uncertainty regarding the application of school rules or disciplinary procedures;
 - from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom;
 - where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill;
 - where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the school’s notice so that action can be taken to prevent a recurrence.
11. Concerns should normally be raised with the member of teaching staff most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within three working days.
12. A complaint may arise (for example)
 - when an individual has previously raised a concern and is not satisfied with the response offered;
 - where an individual has serious disquiet over an incident that has taken place or decision made in the school and believes the school has fallen short of appropriate standards.
13. A complaint must be made in writing to the Headteacher. If the complaint concerns the Headteacher it should be addressed to the Chair of Governors.
14. All complaints, including all Complaint Forms, will be held by the Headteachers’ PA.

15. All correspondence and material relating to a complaint is confidential.

Investigating complaints

16. The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- 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; and
- keep notes of the interview.

Resolving complaints

17. At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. 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; and
- an undertaking to review Academy policies in light of the complaint.

18. Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation differently is not the same as an admission of negligence.

19. At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

4. Stages of complaint

Stage 1: Complaint heard by a member of staff

20. It is in the interests of everyone that complaints are resolved at the earliest possible stage.

The experience of the first contact between the complainant and the academy can be crucial in determining whether their complaint will escalate.

21. Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint.

22. To ensure clarity of understanding, a Complaint Form (see Page 7) should be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff.

23. The member of staff hearing the complaint needs to ensure that they have investigated it appropriately.

24. The member of staff hearing the complaint will respond to the complainant in writing.
25. It is normally expected that complaints will be acknowledged within three working days, and the Stage 1 process completed within ten school days. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
26. If the complaint is resolved, the Complaints Form should be completed and passed to the Headteacher's PA for retention.
27. If the complaint is not resolved, the Complaint Form should be passed to the Headteacher who will determine which senior member of staff should be involved in Stage 2.

Stage 2: Complaint heard by appropriate senior member of staff appointed by the Headteacher

28. The designated senior member of staff will consider both the original complaint and the process followed during Stage 1.
29. The designated senior member of staff may formally reject a complaint if, in their judgment, the complaint:
 - was received too long after the alleged incident for realistic investigation to take place;
 - does not identify specific actions or incidents that are capable of being investigated;
 - refers only to issues that have already been determined;
 - raises only minor matters that should have been resolved in discussion with the staff member involved.
30. The designated senior member of staff will put their judgement and rationale, including details of the process followed, in writing to the complainant.
31. It is normally expected that the Stage 2 process would be completed within ten school days of the Headteacher initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
32. If the complaint is resolved, the Complaints Form should be completed and passed to the Headteacher's PA for retention.
33. If the complaint is not resolved, the complainant has the option of appealing to a Panel appointed by the Governing Body.

Stage 3: Appeal heard by a Panel appointed by the Governing Body

34. The complainant should write to the Chair of Governors giving details of the complaint and the process followed to that point. The Chair, or a nominated Governor, will convene a Panel, whose members must include one person independent of the management and running of the Academy and will not have been directly involved in previous consideration of the complaint. The Panel will have the powers to determine the complaint.
35. Individual complaints will not be heard by the whole Governing Body 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.
36. The appeal hearing should be heard within 10 school days of the Chair receiving notice of the complaint.
37. The appeal hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The complainant may be accompanied by a friend / colleague.
38. The panel can:
 - dismiss the complaint in whole or in part;

- uphold the complaint in whole or in part;
- decide on appropriate action to resolve the complaint; or
- recommend changes to the academy's systems or procedures.

39. The decision of the panel is binding. The decision must be communicated within three working days of the hearing.

5. Unreasonably persistent complaints

40. The majority of complainants behave in legitimate ways, however a small minority make complaints that are persistent, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the school rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matter over and over again when in the school's opinion, the matter has been dealt with.

41. It is important however to distinguish between people who make a number of complaints because they think that things have genuinely gone wrong, and people who are simply being difficult. Even though someone has made persistent complaints in the past, it cannot be assumed that the next complaint is also persistent. Each complaint must therefore be carefully considered and evaluated, before a decision is made as to whether it is genuine or persistent.

42. The school is likely to consider a complaint unreasonably persistent in the following situations:

- The complaint arises from an historic incident or irreversible decision;
- The complainant fails to articulate a clear point of complaint or offer any credible evidence to support it, even when prompted and the use of an advocate has been suggested;
- Contact with the school is frequent, lengthy, complicated and stressful for staff;
- The person making the complaint changes aspects of the complaint during the investigation;
- The person making the complaint persistently approaches the school through different routes about the same issue;
- The complainant refuses to accept factual evidence or overwhelming corroborating evidence;
- The complainant refuses to engage with the complaints procedure;
- Making the same complaint repeatedly with minor differences and never accepting the outcome;
- Seeking an unrealistic outcome and persisting until it is reached;
- A history of the person making other persistent complaints.

43. This list is not exhaustive, but illustrates the characteristics of a complaint likely to be deemed persistent.

44. In the case of persistent complaints being made, the school will in the first instance, notify the complainant verbally that their behaviour is considered to be becoming unreasonable and that if not modified, action will be taken in accordance with this policy; this will be confirmed in writing. If the behaviour is not modified, then the school may take further action as required, including:

- Informing the complainant that all meetings with a member of staff will now take place with a second member of staff present and that notes may be taken in the interests of all parties;
- Informing the complainant that with the exception of emergencies, all routine communication with the school should be by letter only;
- In the case of physical or verbal aggression, warning the complainant about being banned from the school site;

- Taking advice on pursuing a case under anti-harassment legislation.

6. Responsibilities under the policy

Governing Body

45. The Governing Body is responsible for:

- approving the Academy policy, procedures, and guidelines;
- hearing and deciding on appeals at “stage 3”;
- monitoring the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

46. The Chair of the Governing Body is responsible for:

- receiving complaints at Stage 3 of the complaints procedure;
- convening a panel to hear the appeal; and
- ensuring that the correct procedure is followed.

47. The Chair of the Panel at Stage 3 is responsible for ensuring that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- any written material is seen by all parties; and
- related Safeguarding and Data Protection provisions are observed and maintained.

Headteacher

48. The Headteacher is responsible for:

- the overall internal management of the procedures;
- nominating a senior staff member to hear complaints at stage 2 of the procedure;
- ensuring that the procedures are monitored and reviewed and reported to the Governing Body as appropriate.

Headteacher’s PA

49. To maintain records of all complaints received by the school

All staff

50. All staff are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- informing the relevant staff of the concerns being raise; and
- passing any complaints received from other people who are not parents or students to the Headteacher.

7. Appendices

Appendix One: Complaint Form

Complaint form

Nower Hill High School

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

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve the 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	
School use only	
Date acknowledgement sent:	
Who sent acknowledgement:	
Signature	

Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary

Stage 1 (complaint heard by staff)

Date:
Signature:

Stage 2 (complaint heard by senior member of staff)

Date:
Signature:

Stage 3 (appeal heard by Panel appointed by Governing Body)

Date:
Signature: