



*William Brookes Academy Trust*

# Complaints Policy

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Updated January 2016



***Complaints Policy  
William Brookes Academy Trust  
(January 2016)***

This policy was written and adopted **January 2016**  
It is due for review in 2019

**Statement of Intent**

William Brookes Academy Trust prides itself on the quality of teaching provided for its pupils. However, if parents have concerns they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

A complaint can be brought by a parent/carer/guardian of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff may not necessarily be the head teacher.

At William Brookes School Academy Trust the Form Tutor will be the first point of contact for informal complaints, however formal complaints will be coordinated by the Director of School Business.

A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action, or failure to take action.

Even when a complaint has been made, it can be resolved or withdrawn at any stage.

## 1. Aims

In line with the Education Act 2002, William Brookes Academy Trust will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's senior management team so that services can be improved.

### 1.1 Dealing with Concerns Informally

The school recognises that a vast majority of complaints and concerns can be resolved informally.

The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone, or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.

The complainant should be able to bring a friend to any discussion.

The member of staff dealing with the concern should make sure that the complainant understands what action (if any) or monitoring of the situation has been agreed.

The process should be completed quickly and concluded in writing with appropriate detail.

Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the head teacher.

To assist in this process, a complaint form should be provided (see Appendix 1 or 2.)

### 1.2 Monitoring and Recording Complaints

At all stages of the complaints procedure, the following information should be recorded:

- Name of the complainant
- Date and time at which the complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- Further responses from the complainant
- Any subsequent action if required

### 1.3 Special Circumstances

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives.

If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the head teacher or governing body.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

## 2. Complaints Procedure

### Stage 1 - Complaint heard by staff member

- Parent/carer/guardian discusses their concern with the child's form tutor or, if they prefer, another member of the school's teaching staff.
- Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the chair of the governing body.
- If the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them on the complaints procedure.
- Governors should not act alone on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a Committee at a later stage of the procedure.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer/guardian may wish to escalate the complaint to the next level of the procedure.

### Stage 2 - Complaint heard by Head Teacher

- The parent/carer/guardian should request an appointment to see the head teacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- The head teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the head teacher should talk to the staff member against whom the complaint has been made. If necessary, the head teacher should interview witnesses and take statements from those involved.
- The head teacher should keep reasonable written records of meetings, telephone conversations and other documentation.

- The head teacher will investigate fully and communicate findings and/or resolutions to the complainant verbally or in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the head teacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- Stage 2 should be completed within 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this time constraint. In such cases, the head teacher should write to the complainant giving a revised target date.
- If the parent/carer/guardian is not satisfied with the outcome at this stage, the complaint can progress to the next level for an independent review by the governing body Committee.
- If the concern or complaint is against the head teacher, in the first instance the complainant will need to write in confidence to the chair of the governing body at the school. The chair will seek to resolve the issue informally before, if necessary, moving to Stage 3.

#### **Stage 2b – Further Consideration by the Chair of Governors**

- Complaints at this stage should be made in writing and addressed to the chair of school governors no later than 10 school days following receipt of a Stage 2 outcome, the chair of governors may also carry out an investigation and consider all available evidence
- Written acknowledgement of the complaint will be made within five school days, the complainant and the head teacher will be informed of the outcome within 20 school days of the chair of governors receiving the complaint

If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing body reviews the complaint.

#### **Stage 3 – Complaint heard by governing bodies' complaints Committee**

- Complaints at this stage should be made in writing and addressed to the chair of school governors no later than 10 school days following receipt of a Stage 2b outcome. The chair of governors, or a nominated governor, will convene a governing body complaints committee meeting.
- Written acknowledgement of the complaint will be made, within 5 school days, informing the complainant that their complaint will be heard within 20 school days.

- A complaints committee meeting will be arranged with 3 members of the governing body and the complainant. Five days' notice will be given to all attending. The clerk of the committee should write to the complainant to explain how the review will be conducted. The letter should be copied to the head teacher.
- At the meeting everyone's case will be put across and discussed. The committee should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- The meeting should allow for:
  - The complainant to explain his or her complaint and the head teacher to explain the reasons for his/her decision.
  - The head teacher to question the complainant about the complaint and the complainant to question the head teacher.
  - The committee to have an opportunity to question both the complainant and the head teacher.
  - Any party to have the right to bring witnesses (subject to the approval of the chair of committee) and all parties to have the right to question all the witnesses.
  - A final statement by the head teacher and complainant.
  - A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **3. Roles and Responsibilities**

#### **3.1 The Complaints Committee**

The Committee 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 that problems of a similar nature do not recur.

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

- 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 Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not conclude in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.

- An effective Committee 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 Committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone of the hearing and care is needed to ensure the setting is informal and not adversarial.
- Extra care must 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 Committee needs to be aware of the views of the child and give them equal consideration to those of adults. 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.
- The governors sitting on the Committee need to be aware of the complaints procedure.

### **3.2 The Clerk**

Schools are strongly advised that any Committee or group of governors considering complaints should be clerked. 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 Committee's decision.

### **3.3 The Nominated Governor**

The nominated governor should:

- Check that the correct procedure has been followed.
- Notify the clerk to arrange the Committee if a hearing is appropriate.

### **3.4 The Chair of the Committee**

The Chair of the Committee has a key role. They must ensure that:

- The remit of the Committee is explained to all parties and each party has the opportunity to put their case forward 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 Committee is open minded and acting independently.
- No member of the Committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

- Each party 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.

### **3.5 The role of the Secretary of State for Education**

If the complainant is unhappy with the way in which the school has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene.

For the Secretary of State to intervene following a complaint, they need to be sure that either:

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996.
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

They will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement.

## Appendix 1: Example of a Complaints Form

Please complete and return to the Director of School Business, who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
<b>Office use only</b>	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	

## Appendix 2: Example of a Stage 2 Complaints Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the head teacher. (If your complaint is against the head teacher you will need to send the form to the Chair of Governors c/o the Clerk to the Governors.)

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	
What is your complaint concerning, and what action would you like the head teacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

**Appendix 3:**  
**Example letter to complainant for a stage 2 complaint**

An example of a letter that the chair of the governing body may send to the complainant, upon receipt of a complaint at stage 2.

Dear (insert addressee's name),

Thank you for your letter dated (insert date) setting out the reasons why you are not satisfied with the head teacher's response to your complaint about (insert details of complaint).

I am writing to let you know that I will be arranging for a complaints appeal Committee to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the clerk of the committee will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

**Chair of the Governing Body**

## Appendix 4: Example letter for complaints against the head teacher

Dear (insert addressee's name),

I have received your complaint against the head teacher of William Brookes Academy Trust

I write to let you know that I have forwarded a copy of your complaint to the head teacher with a request that [he/she] responds to the issues raised in the complaint within 10 school days.

A copy of the head teacher's response will be sent to you as soon as possible.

If you are not satisfied with the head teacher's response, I will arrange for a complaints appeal Committee to consider your complaint in accordance with stage 2 of the attached complaints procedure.

As explained in the procedure, the clerk of the committee will advise you, in writing, how the complaint will proceed.

Yours sincerely,

**Chair of the Governing Body**

## Appendix 5: Checklist for a Committee hearing

<b>Committee hearing checklist</b>	✓
The Committee 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 head teacher may question both the complainant and the witnesses after each has spoken.	
The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.	
The complainant may question both the head teacher and the witnesses after each has spoken.	
The Committee may ask questions at any point.	
The complainant is then invited to sum up their complaint.	
The head teacher is then invited to sum up the school's actions and response to the complaint.	
Both parties leave together while the Committee decides on the issues.	
The chair of the complaints appeal Committee explains that both parties will hear from the Committee within a set time scale.	