

COMPLAINTS PROCEDURE

Reviewed by PSK: 03.03.2021

INTRODUCTION

Phoenix Academy takes all complaints seriously. The purpose of the Complaints Procedure is to reassure parents and others with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

This procedure has been drawn up using the *The Education (Independent School Standards) Regulations, 2014*, to ensure that the school deals with the handling of complaints from parents of pupils effectively.

This policy is available to all parents of pupils on our website.

SCOPE OF THE PROCEDURE

A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the school's work. This procedure deals with specified day-to-day complaints against the management and/or operation of the school which fall outside the scope of the following procedures:

- Complaints which have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, SEN assessments, Section 409 Curriculum Complaints and those covered by the Education (School Records) Regulations 1989.
- Serious complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.

Complainants may be anyone e.g. parents, guardians, grandparents, neighbours of the school or anyone with an interest in the work of the school. However, it is expected that it will be mainly parents or guardians who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term, but the procedure also applies in relation to any other type of complainant. Informal complaints may be made by telephone, e-mail, in person or be written. Formal complaints should be made in writing, either by e-mail or letter.

Records of all conversations and meetings with parents to resolve formal complaints will be kept. If necessary, the Governors/Trustees will meet to discuss the complaints, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the school's records, separately from individual pupil records.

If at any stage in the procedure it becomes apparent that the complaint falls outside of this general Complaints procedure, parents will be informed.

There may be rare occasions when, despite all the stages of the procedure having been followed, a parent remains dissatisfied. If the parent seeks to re-open the same issue, the school reserves the right to inform him/her in writing that the procedure has been exhausted and the matter is closed.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

STAGE 1: INFORMAL STAGE

The *Complaints Standards* state that a Complaints Procedure should “allow for a complaint to be made and considered initially on an informal basis.”

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. In any event, the school aims to resolve the concern at this point in a speedy and effective way. Records will still be kept of these concerns. (See Appendix 1)

However, if the concern is not resolved immediately and a complaint is confirmed by the parent, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Principal/Head Teacher, Senior Administrator, and Head Supervisors. In the case of complaint against the Principal/Head Teacher or Senior Administrator, this stage will always be heard directly by the Principal/Head Teacher or Senior Administrator her/himself.

The member of staff will discuss the issue with the parent and those involved in school, with the aim of resolving the complaint as soon as possible. The parent will be informed of the outcome of the investigation and what action, if any, the school proposes to take. The matter should be dealt with within 21 days of the verbal complaint.

If the informal process has been exhausted and no satisfactory solution has been found, the parent will be asked by the member of staff dealing with the complaint whether he/she wishes the complaint to be considered formally at stage two of this procedure.

If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Principal/Head Teacher. The letter should be sent to the Head Teacher within 21 days.

STAGE 2: REFERRAL TO THE GOVERNORS/TRUSTEES OR HEAD TEACHER OR FOR FURTHER INVESTIGATION

Where the complaint has been addressed by the Head Teacher at stage one, this stage will be heard by the Governors/Trustees. Where another staff member has addressed the complaint at stage one, this stage will be heard by the Head Teacher. (See Appendix 2)

The Governors/Trustees or Head Teacher will acknowledge the written complaint within 7 days of receipt and provide an opportunity to meet the parent to discuss the complaint.

The Governors/Trustees or Head Teacher will investigate the complaint and a written response will normally be made within 21 days of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

The written response will include full reasons for the conclusions reached by the Governors/Trustees or Head Teacher and what action, if any, the school proposes to take to resolve the matter.

If the parent still remains dissatisfied, he/she will be advised that, in order to progress the complaint further at Stage 3, he/she must notify the Governors/Trustees in writing 21 days, copying the original complaint form.

The Governors/Trustees will then ensure that the parent is offered the opportunity of taking the complaint to a Complaints Panel at Stage 3 of this Procedure.

STAGE 3: REVIEW BY THE GOVERNORS/TRUSTEES COMPLAINTS PANEL

Complaints only rarely reach this level. However, when the need arises, the Complaints Panel (established according to the suggested composition detailed in Appendix 3 attached) will consider complaints at this stage. If the complaint is still not successfully resolved after step one and step two a panel will be set up by the Governors/Trustees of at least three persons, one of whom is independent of the management and running of the school, to discuss the complaint.

A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the Procedure will be sent to the parent by the Complaints Panel within 21 days.

The letter will inform the parent that the complaint will be heard by the Complaints Panel within 21 days of receiving the complaint. It will also inform the parent of the right to submit any further documents other than the complaint form and that these must be made available to the Complaints Panel within 21 days of receipt of the acknowledgement letter. The right to call witnesses to the meeting, subject to the approval of the Complaints Panel and the right of the parent to be accompanied by a companion of her/his choice will also be explained in the letter. The parent has the right to attend and be accompanied at a panel hearing if they wish.

The Complaints Panel will send a copy of the letter of acknowledgement of the complaint to all the members of the Complaints Panel, and the Head Teacher and request a written report in response to the complaint to the Complaints Panel within 21 days of receipt of the letter. The right to call witnesses, subject to the approval of the Chair, will also be explained.

The Complaints Panel is free to make its own findings and recommendations prior to the meeting.

The Complaints Panel will then convene a meeting, having consulted with all parties on convenient times. The date, time and venue for the meeting will then be confirmed at least 7 days in advance.

The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided by the Complaints Panel to: the parent; the Chair of the Governors/Trustees and/or Head Teacher; and each panel member. This will be provided as soon as possible and, in any event, at least 1 day prior to the meeting.

The meeting will be held following the procedures for hearing a complaint detailed in Appendix 4.

A written decision will be sent to the parent and the Complaints Panel and/or Head Teacher within 7 days of the hearing. The letter will explain that the decision of the Complaints Panel is final but that complaints can be taken to the Secretary of State for Education and Skills under the Education Act 1996, on the grounds that:

- A Governing Body is acting or proposing to act unreasonably; or
- The Governing Body has failed to discharge its duties under the Act.

All outcomes and copies copy of those findings and recommendations are confirmed in writing to both parties in accordance with the Complaints Procedure. This may be via electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and made available for inspection on the school premises by the proprietor and the Head Teacher.

Records will be kept on file from the date of the resolution of the complaint plus 6 years, and of whether they are resolved at the preliminary stage or proceed to a panel hearing in the 'Complaints' folder at the school. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

APPENDIX 1

Information regarding Informal School Complaint (Stage 1)

To be filled in by school staff member who received the informal complaint

Name of person completing form _____

Child's Name (to whom issue relates) _____

Class Supervisor _____

Parent/Guardian _____

Contact details (including mobile) _____

Telephone no. if appropriate) _____

Details of Complaint:

(Please be as specific as possible e.g. giving dates, who was involved and where etc.)

Please attach continuation sheet/additional information if you wish

Please attach any emails, text messages, etc. that you have received

What was done to resolve the complaint and bring the matter to an acceptable closure for the parents and the school?

Signed ----- Date -----
(Staff member)

Please file in the 'Complaints' folder at the school.

APPENDIX 2

Form to notify Formal School Complaint (Stage 2 and/or Stage 3)

Child's Name (to whom issue relates) _____

Class Supervisor _____

Parent/Guardian _____

Contact details (including mobile _____

Telephone no. if appropriate) _____

Details of Complaint:

(Please be as specific as possible e.g. giving dates, who was involved and where etc.)

Please attach continuation sheet/additional information if you wish

What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the school?

Signed ----- Date -----
(Parent/Guardian)

Please return the completed form to the Head Teacher at the school. Records will be kept on file in the 'Complaints' folder at the school.

APPENDIX 3

Composition of the Governors/Trustees Complaints Panel

The Governors/Trustees Complaints Panel should consist of two members of the Governors/Trustees and one other member who is independent of the management and running of the school, to discuss the complaint. A Chair of the Complaints Panel should also be appointed.

The Governors/Trustees may decide to appoint the three members annually, together with three reserves, designated in the order in which they would be called upon to stand in order to ensure that three members will be available to meet within the timescales. The Governors/Trustees may wish to consider the advantages of having a parent as a member of the panel.

No member of the Complaints Panel should have had prior involvement with the complaint. As the Chair of the Governors/Trustees

may be involved at an earlier stage in the procedure (particularly where the complaint is about the Head Teacher) it may be wise not to include the Chair as a member of the Complaints Panel to avoid any possible reference to the Chair being "tainted".

It is not considered appropriate for the Head Teacher to be a member of the Complaints Panel. The role of the Head Teacher would be to attend the panel hearing to give evidence and s/he may choose to invite staff directly involved in matters raised by the complainant (subject to the approval of the Chair of the Complaints Panel).

APPENDIX 4

Governors/Trustees Complaints Panel Procedures for Hearing the Complaint

Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the parent. The Chair of the Complaints Panel will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease. The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

Order of Meeting

1. The Chair welcomes the parent and his/her companion and introduces the Complaints Panel.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The Complaints Panel may question the parent/companion and witnesses.
5. The parent and companion retire from the meeting.
6. The Chair welcomes the Head Teacher or other staff members (where the complaint has been addressed by the any of these persons at stage 2).
7. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
8. The Head Teacher or other staff members presents a response to the complaint, including action taken to address the complaint at stage 1 and 2 of the procedure and calling witnesses, if appropriate.
9. The Complaints Panel may question the Head Teacher or other staff members.
10. The Head Teacher or other staff members retire from the meeting.
11. The parent, together with his/her companion, is invited back into the room to make a final statement, and then retires.
12. The Head Teacher or other staff members where applicable, are invited back into the room to make a final statement, and then retire.
13. The Complaints Panel considers the complaint, using its own findings and recommendations if appropriate, and reaches a unanimous or majority decision. The Complaints Panel also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
14. When a decision has been made, the Chair recalls the parent, Head Teacher or other staff members and each is informed of the outcome and any action to be taken.
15. All outcomes and copies copy of those findings and recommendations are confirmed in writing to both parties in accordance with the Complaints Procedure. This may be via electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and made available for inspection on the school premises by the proprietor and the Head Teacher.
16. Records will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing in the 'Complaints' folder at the school
17. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

APPENDIX 5

The following summary of the Complaints Procedure could be included in the Parent Handbook.

SUMMARY OF THE COMPLAINTS PROCEDURE

1. **Informal** All informal complaints should be made by telephone, e-mail, in person or written to the Head Teacher via the office.
The matter should be dealt with within 21 days of the verbal complaint.
2. **Formal** If the complaint is not successfully resolved after step one, the complaint should be written or e-mailed to the Head Teacher, again via the office.
The written complaint will be acknowledged within 7 days
The matter should be dealt with within 21 days of the Head Teacher receiving the written complaint.
3. **Panel** If the complaint is still not successfully resolved after step one and step two, the Governors/Trustees must be contacted in writing 7 days, copying the original complaint form.
A panel will be set up by the Chair of Governors/Trustees of at least two persons, one of whom is not a school manager, to discuss the complaint.
The complaint will be heard by the Complaints Panel within 21 days of receiving the complaint
Parents will be allowed to attend the panel. A friend may accompany them.
The matter should be dealt with within 7 days of the panel meeting.
The panel will put its findings and recommendations in writing.
All parties will get a copy.
Records will be kept on file and the final level needed to sort the matter, from the date of the resolution of the complaint plus 6 years

Confidentiality will be provided for all of the above.