



**Alleyne's**

**A C A D E M Y**

NISI DOMINUS FRUSTRA - 1558

# **COMPLAINTS POLICY AND PROCEDURES**

**September 2016**

## **Introduction**

The main purpose of a complaints policy is to solve problems and to give complainants or users of the Academy's services and facilities a means to raise issues of concern and have them addressed.

Complainants will be treated respectfully during and after the course of any complaints investigation.

All members of staff are made aware of the complaints procedure and understand:

- the importance of attempting to resolve problems before they become formal complaints, and
- the importance of treating complaints respectfully.

## **Investigation of Concerns and Complaints**

At each stage, the person investigating the concern or complaint should make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the concern or complaint and what remains unresolved;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish;
- conduct interviews and investigations with an open mind and be prepared to persist in the questioning;
- keep notes of interviews and findings during the investigation, and
- communicate the outcome of the investigation to the complainant and appropriate staff.

### **Stage 1 – Informal Complaints**

Concerns are handled, if at all possible, without the need for formal procedures. When a concern or complaint is first raised, the person receiving this information should ensure with the complainant that the complaint is clearly understood. The Academy will then consider the best way of dealing with the concerns raised according to the circumstances. It is good practice to inform the complainant how the matter will be investigated and by whom. It is preferable that concerns are resolved at this informal stage whenever possible, which may involve apologising where necessary. The complainant must always be informed of the action taken to address the concern or complaint and the outcome. If there are wider lessons to learn then these should be shared as appropriate.

### **Stage 2 – Formal Complaints to the Headteacher**

The formal procedure is 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.

Complainants have a right to make their complaint to the Headteacher, who will decide how it will be addressed and by whom. All complaints will be dealt with within ten academy days and the complainant will be notified accordingly. It may be that the Headteacher has not been aware of the concern raised prior to this point. The Headteacher should consider whether the complainant can

be satisfied without recourse to the Governing Body. Complaints against actions or decisions by the Headteacher will always be forwarded to the Chair of Governors.

Action through the Complaints Policy may lead to action being initiated under other procedures. This may be disciplinary or child protection procedures and consideration should be given to this possibility at the earliest stage. In these cases the investigations under the Complaints Policy will be suspended until action under the other procedures (including appeals) has been concluded. The complainant should be advised if this is the case and also informed of the likely delay in the final resolution of their complaint.

### **Stage 3 - Formal Complaint to the Governing Body**

Where complaints cannot be resolved at Stage 2, they may be made to the Chair of the Governing Body, and will be accepted in writing or verbally. Where a complaint is accepted verbally it should be reported back to the complainant to ensure that details have been collected correctly. The Academy should record when the complaint is received. The complaint should be acknowledged in writing by, or on behalf of, the Chair of the Governing Body within five academy days of receipt by the Chair. The acknowledgement should include an explanation of what will happen next, including where possible time scales involved and the name of the person from whom the complainant will next hear about the progress of the investigation.

Details of a complaint should be kept confidential except insofar as they need to be shared with people who might contribute to their resolution.

### **Role of Chair of Governors**

The Chair of Governors will need to consider whether the investigation can be completed by the Headteacher (who will already have been involved) or the Chair/Vice Chair him/herself. On completion of the investigation, the Chair/Vice-Chair will agree with the complainant and the Headteacher whether it is possible to resolve the issue between them or whether the matter should be referred to a sub-committee of the Governing Body [Complaints Committee]. This decision is for the complainant or the Headteacher to make, but no referral to the sub-committee will be made without an express request.

### **Complaints Committee**

If the complainant/Headteacher requests a Committee meeting, then the Chair/Vice-Chair will present a full report to the Complaints Committee. The Committee will be made up of two Governors not directly involved in the matters detailed in the complaint, plus one member independent of the management and running of the Academy. The membership will not include the Headteacher and, according to the matter complained about, it may not be appropriate for certain categories of Governor to be included. The Committee should meet within ten school academy days of the completion of the investigation and at a time convenient to the members of the Committee, the Chair (who will present the report), the complainant (in order that they may make representations in person), the Headteacher and any witnesses. A parent/carers may attend and be accompanied if they wish.

## **Outcomes of Formal Complaints**

If the investigation upholds the complaint, redress should be appropriate to the complaint and may include:

- an appropriate expression of regret/apology
- an explanation
- an admission that the situation could have been handled differently or better
- an explanation of the steps taken to ensure that it will not happen again
- an undertaking to review Academy policies in light of the complaint.

The Academy will take responsibility for:

- Ensuring that any remedy is within the Academy's powers
- Deciding who can take any remedial action
- Ensuring that any remedy is carried out
- Ensuring the approach to remedies is reasonable and consistent

Where a complaint is not upheld, the complainant must be given a response and informed of any further action that might be appropriate in their situation.

## **Stage 4 – The Role of the Secretary of State**

Complainants do not have a general right of appeal should they disagree with the Governors' decision. They may, however, raise the matter with the Secretary of State if they consider the complaint was not investigated properly and fairly. If the Governors have followed the Complaints Policy and considered the complaint reasonably, the Secretary of State cannot reverse their decision.