



# Complaints Policy

**Berwick Academy takes any concern or complaint very seriously. We undertake to investigate any complaint or concern fully and objectively, and as quickly as possible.**

## **1. Introduction and Context**

This policy determines the process that staff, the Head teacher and the governing body must implement should a complaint arise.

All concerns will be taken seriously in order to establish an effective partnership between Berwick Academy and the parents and will be dealt with promptly so that they can be resolved swiftly at the time.

Occasionally there may be complaints where the individual complainant does not wish to be identified at the preliminary stage. As far as possible, these should be dealt with under this procedure.

There may be circumstances where confidentiality cannot be guaranteed because of the seriousness of the complaint. In addition, the wish of the individual complainant to remain anonymous may limit the ability of Berwick Academy to fully investigate the nature of the complaint or to take any action once an investigation is complete. The complainant should be informed if their desire for confidentiality inhibits the full investigation of the complaint.

## **2. Definition**

A complaint is an expression of dissatisfaction, however made, by a parent or person with a legitimate interest in the school, about school policies or procedures, the conduct, actions or omissions of members of staff or governors at the school and the standards of teaching and learning.

Note: Some complaints may have to follow specific statutory requirements rather than following the guidance defined in this policy.

**Head teacher** - The person responsible for leading and managing the school, who has delegated powers to ensure all matters of discipline are appropriately managed. References to the Head teacher shall include the nominated Senior Assistant Head / line manager acting on his / her behalf.

## **3. Aims**

Berwick Academy may decline to investigate a matter if it is not very recent and the complaint could reasonably have been expected to be raised earlier. The normal expectation is that a complaint will be raised within **three months** of the alleged subject matter of the complaint though it will be important to judge whether or not the nature or seriousness of the allegation merits a more flexible approach.

### **3.1 Informal Stage 1 – Involvement of Staff and SLG**

- On day-to-day matters, the vast majority of their concerns will be satisfactorily addressed by the Form Tutor who should be contacted by letter or telephone. Parent should expect a prompt response (within 24 hours).
- If the Complainant is not satisfied with the response from the Form Tutor they should take their complaint to the Head of Year. Parent should expect a prompt response (within 24 hours).
- There may be instances, depending on the seriousness of the complaint, when the Complainant may wish to directly approach the Head teacher, by letter or telephone or e-mail.
- The Head teacher (or another senior member of staff) should respond to the complainant within 24 hours stating that the complaint will be investigated and respond to as soon as possible, either in writing or by inviting the complainant to meeting.
- If the complainant remains dissatisfied after the Head teacher has responded to the complaint, he/she should be directed to refer the matter **in writing** to the Chair of Governors setting out the complaint and containing all the relevant facts of which the complainant is aware.

### **3.2 Informal Stage 2 - Involvement of the Chair of the Governing Body**

- The Chair of the Governing Body will consider the evidence of the Complaint, in confidence and without reference to any other member of the Governing Body.
- The Chair of Governors may seek advice from the SLA Provider for Legal Services
- Having considered the complaint the Chair will either write to the Complainant with his/her findings and reasons, or meet with the Complainant and the Head teacher in an attempt to resolve the matter.
- If the complainant, or the Head teacher, is not satisfied with the outcome of the Chair of Governor's investigation, then they may ask for the matter to be referred to a panel of the Governing Body by writing to the Clerk to the Governors, setting out the reasons for the referral.

### **3.3 Formal Stage – Involvement of the Governing Body Complaints Panel**

- The Chair should summarise the complaint to other members of the Complaints Panel and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the Committee. If the members' view is that the complaint should not proceed, the complainant should be informed, with reasons.
- The SLA Provider for Legal Services should be consulted at an early stage in the case of serious or complex matters.
- If it is the view of the panel that the complaint should proceed a meeting will be convened, at which the complainant will be able to present their case. The panel will

consider the case and will write to the complainant within seven working days to advise them of their findings and reasons.

#### **4. Actions and Responsibilities**

##### **4.1 Governors**

- If a Governor is approached by a parent or a member of the public wishing to complain about the school, the Governor should direct that person to take their complaint to the Head teacher.
- If the complaint is about the Head teacher, the Complainant should be advised to speak to or write to the Chair of the Governing Body.
- If the complaint is serious or complex, advice must be sought from the SLA Provider for Legal Services.
- The procedure to be followed by the Governing Body Appeals Panels is stated in Appendix 1

##### **4.2 Head teacher**

- The Head teacher should investigate the complaint and respond informatively with an explanation to the Complainant as soon as possible either in writing or by ways of a meeting giving a decision and the reasons for it. It is important that it is considered even when the parental complaint appears to be unreasonable. It is hoped that this will resolve the complaint. A written record should always be retained of the response.

##### **4.3 Form Tutors and Heads of Year**

- Form Tutors and Heads of Year should respond to day to day issues and complaints within 24 hours. If the problem will take longer to sort out, they should agree with the parent when they will get in touch again.

#### **5. Monitoring and Review**

Berwick Academy will establish appropriate information and monitoring systems to assist the effective implementation of our complaints policy. The effectiveness of the policy will be reviewed regularly and action taken as necessary to amend the policy.

#### **6. Notes to the Policy**

Where a complaint may give rise to disciplinary action, a careful balance will need to be struck between the rights of the complainant to have their complaint properly determined and to be kept informed against the rights of individual staff members in the disciplinary procedure. In such cases, advice should be sought at an early stage from the SLA Provider for Legal Services or Human Resources.

Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by the SLA Provider for Human Resources Section from whom further specific advice should be sought.

Where the Chair of the Governing Body is being asked to consider a complaint about a matter which involves the Head teacher's management responsibilities, he or she should consider carefully whether the Head teacher's actions are within the boundary of reasonable responses.

### Complaints Policy

<b>Revision Record of Issued Versions</b>				
<b>Author</b>	<b>Approved date</b>	<b>Committee</b>	<b>Version</b>	<b>Status</b>
<b>Berwick Academy</b>	<b>2/10/2013</b>	<b>Full Governing Body</b>	<b>1.0</b>	<b>Final Version</b>
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	<b>Sept 2016</b>		<b>1.1</b>	

### Appendices:

#### Appendix 1 - Procedure to be followed in the event of a Governing Body Panel

## Appendix 1

### Procedure to be followed in the event of a Governing Body Panel

- The Governing Body will elect a panel, in accordance with the School Government Regulations for the resolution of complaints. At least three Governors will be selected for the panel.
- In the case of a complex issue, specific advice should be sought from the SLA Provider for Legal Services
- The clerk will arrange a suitable date and time for the meeting.
- The Complainant, the Head teacher and Chair of Governors will provide the clerk with all documentation to be used at the meeting, at least ten days before the meeting takes place.
- The clerk will distribute all documentation to both parties and to the members of the panel at least seven days before the meeting.
- The Complainant, the Head teacher and Chair of Governors will be advised by the clerk that they may be accompanied by a friend or representative at the meeting.
- The normal procedure to be followed at the meeting is as set out below. Provided he/she is satisfied that it will give all parties an opportunity to present their case, the Vice-Chair may vary this procedure with advice from the Clerk.
  - The panel will be chaired by the Vice-Chairman and he/she will make arrangements for a note taker to be present. In the absence of the Vice-Chairman the panel will agree a chairman for the meeting.
  - The Chair explains the purpose of the meeting and introduces those present.
  - The person calling the meeting presents their case.
  - The panel will have an opportunity to question the person calling the meeting.
  - The respondent presents their case.
  - The respondent can be questioned by the panel.
  - Both parties state any final points they wish to make.
  - Both parties withdraw.
  - The panel consider the case and then write to both parties within seven working days to advise them of their findings and their reasons.
- The panel does not have any disciplinary powers. Should they reach a conclusion that there is a possibility that an employee may have behaved unprofessionally the matter must then be dealt with under the term and conditions of the Disciplinary Policy.

