

SAINT AMBROSE COLLEGE EDMUND RICE ACADEMY TRUST

St Ambrose College Complaints Procedure – Purpose and Principles

PURPOSE

Academies and free schools are required to have written complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7 and to make the procedure and its timescales available to parents of pupils and parents of prospective pupils.

SCOPE

All matters relating to the actions of staff and application of Academy procedures where they affect the individual Students concerned, except matters relating to the curriculum, exclusion, and admissions etc which are subject to separate procedures.

A complaint can be brought by a parent / carer / guardian of a registered child of the school, or of a prospective pupil or any person who has been provided with a service / facility of the school. This person is referred to as the complainant. A complaint can also be brought by any person who is not a parent / carer / guardian of a registered child of the school and the same proceedings will be applied.

GENERAL PRINCIPLES

- The College reserves the right not to consider complaints that: Are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance), use obscenities, racist or homophobic language, contain personally offensive remarks about members of our staff are repeatedly submitted with only minor differences after we have fully addressed the complaint
- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the Academy as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 Academy days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- 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.

Whistleblowing

We take seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for us to conduct a full and thorough investigation. We will respect your confidentiality when investigating whistleblowing complaints.

If we can only proceed with an investigation by disclosing something that identifies you, we will ask for your consent first. If you do not give us your consent, it may be that we will not be able to take your case any further. If the allegation is sufficiently serious to require an investigation we may reveal your identity without your consent.”

COMPLAINTS POLICY

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About this policy

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages. However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the College. In the main this will mean the parents and carers of the College's pupils, but may include neighbours of the College, or any other members of the local community.

Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the College.

Monitoring complaints

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

- The name of the Complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the Complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The Complainant's response (satisfaction or further pursuit of complaint).

The College may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the complaints policy and will be responsible for monitoring complaints.

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken; or,
2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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;
- an undertaking to review College policies in light of the complaint.

In the second instance, the Complainant may either choose to take no further action or to take their complaint to the next relevant stage.

Publicity and communication

This policy will be made available from the College Office and on College's website. It may be included within the information given to new parents when their sons join the College.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the Complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

Equal access, accompaniment and representation

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied by a friend or relative at discussions and hearings.

If a complaint concerns the Principal, the governing body may work with external agencies such as Trafford Council from the outset. In exceptional circumstances, an external agent may investigate on behalf of either the Principal or Governors. Where possible, the intention will always be for the external agent to support the College in its own investigations rather than take complete responsibility for them itself.

Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the Complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible. Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the Complainant should be told and given an explanation as to why this has been the case.

Vexatious Complaints

The Chair of Governors can write to a Complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so or, if the complaint has already been considered at this stage or, if it has been closed. In all cases, the Complainant has the right to take their complaint to the Education & Skills Funding Agency.

Unreasonably Persistent, Harassing or Abusive Complainants

Sometimes people pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst it is recognised that some complaints may relate to serious and distressing incidents, threatening or harassing behaviour shall not be accepted.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are out of proportion to the nature of the complaint, or persistent – even when the complaints procedure has been exhausted, or personally harassing, or unjustifiably repetitious
- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints, pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; or making complaints in public or via a social networking site such as Facebook); or
- refusing to attend appointments to discuss the complaint.

What is 'harassment'?

Harassment is the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of College staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to College staff or others;
- it has a significant and disproportionate adverse effect on the College community.

What does the College expect of any person wishing to raise a concern?

College expects anyone who wishes to raise concerns with the College to:

- treat all members of the College community with courtesy and respect;
- respect the needs of pupils and staff within College;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and
- allow College a reasonable time to respond to a complaint;
- follow College's complaints policy.

Unreasonably persistent complaints or harassment

In cases of unreasonably persistent complaints or harassment, College may take some or all of the following steps, as appropriate:

- inform the Complainant informally that his/her behaviour is now considered by College to be unreasonable or unacceptable, and request a change of approach;
- inform the Complainant in writing that College considers his/her behaviour as being Unreasonably Persistent and/or Harassment;

- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the Complainant that, except in emergencies, College will respond only to written communication and this may be required to be channelled through a designated person.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the College community. If there is evidence of such, College may:

- ban the individual from entering the College site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under anti-harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

College's response to Unreasonably Persistent Complaints

Legitimate complaints will always be considered, even if the person making them is (or has been) deemed to be Unreasonably Persistent or to have engaged in behaviour which is constitutes Harassment. Any such decision will form part of the evidence considered by a Stage 3 Appeal Panel who will have the remit to review all decisions taken under this policy. Any decision to deem an individual or party as Unreasonably Persistent will be subject to review after six months. College reserves the right not to respond to communications from so deemed individuals or parties.

Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual which they feel is ungrounded, unjustified or incorrect they have the right to appeal. Appropriate appeals procedures will be followed in order to facilitate this.

The stages of the complaint

Stage 1 (informal): complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the Complainant and College can be crucial in determining whether the complaint will escalate or not. To that end, if staff be made aware of the procedures, they should know what to do when they receive a complaint. It would assist the procedure if the College respected the views of a Complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complainant may be referred to another member of staff.

Where the complaint concerns the Principal or a Governor, the Complainant may be referred to the Chair of Governors (or Vice Chair if it involves the Chair). The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a Governor, the next step would be to refer the Complainant to the appropriate person and advise them about the procedure.

Governors must never act unilaterally or otherwise on an individual complaint outside the formal procedure or be involved to any extent at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Governors may seek related advice from the Chair of Governors, Governor Services at Trafford M.B.C. (telephone 0161 912 3184) or the National Governors' Association (telephone 0121 237 3780).

Stage 2 (formal): complaint heard by Principal

The Principal's influence will already have shaped the way complaints are handled in College. At this point, the Complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint.

The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage 2 (formal): complaint heard by Chair of Governors

If the complaint is about the Principal or a Governor, the Complainant should write to the Chair of Governors to request that their complaint be considered further.

If the complaint is regarding the Principal or a Governor, it will be investigated by the Chair of Governors who may conduct the investigation him/herself, delegate it to another Governor or commission an independent investigation. The Chair should seek advice from relevant external agencies.

Stage 3 (panel hearing): complaint heard by Complaints Appeal Panel

If the complaint remains unresolved following the response of the Principal or the Chair of Governors, the Complainant should write to College giving details of the complaint and asking that it is put before an Appeal Panel.

The Governors' appeal hearing is the last college-based stage of the complaints process and is not convened merely to "rubber-stamp" previous decisions. Complainants may attend this meeting and be accompanied by a friend or relative if they wish. Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for an investigatory hearing within College's discipline policy against a member of staff following a serious complaint.

The Complaints Appeal Panel will be constituted by Governors subject to availability and impartiality. The Panel cannot be made-up solely of governing body members because they are not independent of the management and running of College. Governors will identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

The Panel will have delegated powers to:- hear complaints, set out its terms of reference & procedures, hear individual appeals, make recommendations on policy as a result of complaints. A copy of the Panel's findings and recommendations shall be sent to the Complainant and, where relevant, to the person complained about; and, be available for inspection in College by the trustees or Principal. The panel shall consist of at least three people. The panel may choose their own Chair.

The remit of the Complaints Appeal Panel

The panel 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 College'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 panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor or independent member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and be sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the College and the Complainant. However, it has to be recognised that the Complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their children. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to 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 panel 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, their son needs to attend.

e. The people sitting on the panel need to be aware of the complaints policy and their roles and responsibilities seeking internal and external advice where necessary.

The role of the clerk

It is strongly recommended that any panel or group of Governors considering complaints be clerked. The Clerk would be the contact point for the Complainant and be 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings by taking discursive minutes;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

The role of the Chair of the Governing Body or the nominated Governor

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case 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 panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side 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.

Confidential Records

A written record shall be kept of all complaints, and whether they are resolved at an early stage, or proceed to the panel hearing. Correspondence, statements, records and so forth relating to individual complaints are to be kept confidential except where the Secretary of State or the Education & Skills Funding Agency or appropriate inspector requests access to them.

Notification of the panel's decision

The Chair of the Panel needs to ensure that the Complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The final stage of an appeal is to the Education & Skills Funding Agency ("E.S.F.A.")

Complainants who are not satisfied about the handling of their complaint may contact the E.S.F.A. Further information is available in the E.S.F.A.'s publication "**Procedure for dealing with complaints about academies**" available on www.gov.uk or from College.

Contact may be made-

- online via the Department for Education's **schools complaints form** (available using '**Contact the Department for Education**' 'I would like to submit a complaint' at www.gov.uk)
- by post to: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, Lancashire, M1 2WD

Checklist for a panel hearing

The panel needs to take the following points into account:

- The 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 Principal may question both the Complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the College's actions and be followed by the College's witnesses.
- The Complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The Complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the College's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

- Ensure the person in charge of records of complaints is informed of outcome.

Stage 2 – Complaint heard by Principal

- Acknowledge receipt of complaint and process for Stage 2
- Write to Complainant with outcome of investigation
- Ensure the person in charge of records of complaints is informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 2 - Complaint heard by Chair of Governors (*If Complaint is regarding the Principal or a Governor*)

- Acknowledge receipt of complaint
- Write to Complainant with outcome of investigation
- Ensure the person in charge of records of complaints is informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 3 – Governor’s complaints panel meeting arranged

- Issue letter inviting Complainant to meeting
- Issue letter confirming panel decision
- Ensure the person in charge of records of complaints is informed of outcome
- Advise of escalation routes to Education & Skills Funding Agency

Example of the format of a complaint

Please complete and return to College. Someone will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your 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:

Complaint referred to:

Date: