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##### BRYMORE ACADEMY

**COMPLAINTS POLICY**

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| **Created by:** Mark Thomas |
| **Date:** August 2013 |
| **Approved by Local Advisory Board:** |
| **Review date:** Autumn 2014 |
| **Signature of Chair of Governors** | **Signature of Headteacher** |

**AIMS**

The aim of this policy is to provide a structured procedure that can be followed for anyone who wishes to make a formal complaint against Brymore Academy.

**PUBLICITY**

Parents should always know how to raise concerns or lodge a formal complaint. Leaflets explaining how the Complaints Procedure works are available from the Education Department. If parents contact the Department when the academy’s internal procedures have not been fully exhausted, they will be referred back to the academy.

**QUICK RESPONSE**

Complaints should be dealt with as speedily as possible - consistent with fairness to all concerned. Each stage of the Procedure should have clear time limits. When it is difficult to meet these, the complainant should be kept informed of progress. Care should be taken not to drag things out with unnecessary bureaucracy.

**ADVICE AND SUPPORT FOR COMPLAINANT**

It is important that parents should know where they can go for information and advice if they require it. They may seek help from local advice agencies (Citizens Advice Bureau) from individual governors or an LA officer (Information and Access Officer 01823 355748) providing such governors are able to avoid involvement in any later parts of the Procedure. (NB: individual governors should limit their involvement to the provision of procedural advice/guidance). Parents raising concerns or complaints should be invited to be accompanied at any point in the Procedure.

**SUPPORT FOR A PERSON COMPLAINED AGAINST**

Staff who are implicated in a complaint and may be questioned as part of the investigation of that complaint must feel they are being treated in a fair way and that they have the opportunity to put their case. They should be told about the Procedure and kept informed of progress. There is a crucial balance to be maintained between supporting staff so that their rights and reputations are protected, and investigating a complaint thoroughly and impartially. Staff will be well advised to seek guidance and support from their trade union or professional association. Non-union staff would need to meet the cost of any professional advice/representation themselves.

**CONFIDENTIALITY**

Correspondence and conversations should be treated with discretion. Parents must feel confident that their complaint will not penalise their child. However, all parties involved will need to be aware that some information may have to be shared with others involved in the operation of the Procedure. It is usually proper to disregard anonymous complaints. However, if they relate to something of a serious nature, the Headteacher or Governing Body should use their discretion to decide whether the gravity of the complaint warrants investigation.

**REDRESS**

If the outcome of the Procedure shows the academy is at fault, the range of possible responses includes one or more of the following:

* Acknowledgement and apology
* Explanation
* An undertaking to review/revise academy policies or practices
* A commitment to take steps designed to prevent a recurrence
* (in appropriate circumstances) financial compensation

Concern about possible litigation should not prevent a academy from admitting to parents when mistakes have been made. But, depending on the details of the individual case, advice should be sought, as appropriate, from the County Council’s Insurance Section (Treasurer’s Department),

Health & Safety Unit and Legal Services team if litigation is known or suspected to be a possibility.

**STAFF AND GOVERNORS’ AWARENESS AND TRAINING**

All staff and governors should be familiar with the Procedure so that they can advise parents about its operation. Potentially a great many staff can be involved in complaints, particularly at the informal level. Their confidence in such situations will depend on having clear information, knowing that senior staff are committed to the Procedure and having some basic training in practical interpersonal skills needed when confronting people who are upset or angry. All staff and governors should have clear information about each others’ responsibilities so that parents are not passed inappropriately from one to another.

**RECORD KEEPING**

Complaints can contribute to raising the quality of education by, for example, highlighting a weakness in a process. But, in order to do so, they must be recorded and monitored on a regular basis by senior staff and governors. If a concern or complaint cannot be resolved immediately, but needs investigation and/or consultation with others, then a record should be made and the complainant informed that the matter is being investigated. The Headteacher should be notified of all complaints. Record keeping at the earliest stages needs only to be very basic, giving the date, name of parent and general nature of the complaint.

**THE PROCEDURE**

* Academy’s (informal) (i) by appropriate member(s) of academy staff and if unresolved

 consideration by the Director of boarding, Assistant or Deputy Headteacher

* Headteacher ‘review if the complainant feels that their concerns have not been

 addressed satisfactorily by the academy staff

* Review by Governors when the complainant has been through the earlier (ie academy’s internal) elements of the procedure but remains dissatisfied

**THE FIRST CONTACT: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY**

NOTE: (a) It is advisable for any member of staff dealing with a parental concern/complaint to keep a record of what is said/agreed in order to avoid, or at least minimise the potential for; any subsequent misunderstandings. Such recording should begin at the point when a concern or initial complaint has become the kind that cannot be resolved on the spot but needs investigation and/or consultation with others in the academy and will require a later report back (either oral or written) to the complainant.

(b) Parents raising concerns or complaints are entitled, and on occasion may choose, to be accompanied by a friend, family member or advocate.

If handled with appropriate sensitivity the vast majority of concerns and complaints should not need to progress beyond this point. They are resolved straight away through the class teacher, or the academy secretary or Headteacher depending on who is first approached.For certain major issues, the Headteacher may decide to deal with concerns directly at the outset.

Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. If a concern is raised with a governor, he or she should limit their involvement to giving advice about the Procedure and should not “take sides”, or appear to do so.

Parents should have an opportunity to discuss and/or clarify their concern with the appropriate member of staff. The member of staff may explain to the parent how the situation which generated the concern had arisen. It can be helpful at this point to identify what sort of outcome the parent is looking for. If the member of staff first contacted cannot immediately deal with the matter s/he should take note of the details. Staff should know how to refer concerns raised by parents, if necessary, to the person within the academy with responsibility for the issue in question and should check later to ensure that any such referral has resolved the concern.

If the concern or complaint cannot be resolved by the member of staff, or the person to who it has been referred, the matter should be passed to the Headteacher for investigation. The Headteacher should keep written records of meetings, telephone conversations and other related documentation. Once all the relevant facts have been established, the Headteacher may first wish to meet the complainant to answer/resolve the matter directly before producing a written response or confirmation. The Headteacher’s letter should contain a summary of the facts as s/he sees them based on his/her investigation; it should also include a full explanation of decisions taken, reasons for the decisions and, where appropriate, the action the academy will take to resolve the complaint. Additionally, it should advise that, if the complainant wishes to take matters further, they must write to the Clerk to the Governors within 10 academy days of receipt of the Headteacher’s letter.

If the complaint is against the actions of the Headteacher, the complainant should be advised to contact the Chair of Governors who should consider how the complaint might most appropriately be addressed.

The Academy should aim to complete the initial (informal) part of the Procedure within 15 academy days of receipt of the concern or complaint.

**NOTE: alleged racist incidents**

If staff receive a complaint that a racist incident has occurred, guidance about how the incident should be investigated is available in the ‘Draft Anti-Racist Procedure Guidelines.’ These Guidelines also provide details of how the incident should be recorded and reported to both Governors and LA. Additionally they specify the responsibilities of both the LA and academys under the Race Relations (Amendment) Act 2000 to investigate and report incidents and challenge perpetrators, and explain the potential for legal liability under the Act if we fail in our responsibilities. Further advice/support in addressing any such complaints is available from the Information and Access Officer in the Education Department.

**GOVERNORS’ REVIEW**

Complaints should only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. On receipt of a formal written complaint to the Governors, the academy may seek advice from the Authority’s Governor Support Team, on procedure and/or to get an independent view on the issues.

It is important that this review is not only independent and impartial but is seen to be so. Therefore, individual complaints should be considered by a complaints panel comprising three governors (none of whom have had any earlier involvement in the matter or with the complaint) and **NOT** by the full governing body, as serious conflicts of interest can otherwise arise; for example, a complaint may result in disciplinary action and governors might be required to give an unprejudiced hearing to an appeal from the member of staff concerned.

Many complaints are seen by parents as being “against” a member of staff for their actions or omissions. Complaints which have reached the formal Governors’ review level will have done so because the complainant is unhappy with the headteacher’s handling of, and/or response to, their concerns. The Governor’s panel therefore needs to review/investigate how the complaint was dealt with by the academy’s staff and/or headteacher, decide whether the outcome/response was appropriate and, if not, the form of redress that is necessary.

**Brymore Academy’s procedure for the review of complaints by a panel of the governing body is provided in Appendix 1.**

**APPENDIX 1**

**PROCEDURE FOR REVIEW OF COMPLAINTS BY THE GOVERNING BODY OF BRYMORE ACADEMY**

1. Upon receipt of a written request for a complaint to be reviewed by the Governors, the procedures outlined below will be followed.
2. The Clerk to the Governors will write to the complainant within 5 academy days to acknowledge receipt of the written request. If the exact nature of the complaint, and/or the complainant’s desired outcome(s), is not clear from their letter, clarification should be requested. (A pro forma for use in this connection is at Appendix 1A). The acknowledgement will inform the complainant that the complaint will be considered by a panel comprising of three members of the Governing Body, within 15 academy days of receiving the complaint, and should provide details of the panel members and their status (e.g. parent governor, co-opted governor etc). The complainant should be told what papers will be supplied to the panel (usually just the letter of complaint and/or the completed complaint pro forma) and should be afforded an opportunity to provide any further relevant papers for the panel’s consideration if they so wish. The complainant should be given copies of any papers provided for the panel at this stage.
3. The Clerk to the Governors will arrange to convene the panel from members of the Governing Body. The panel members should be governors who have had no prior knowledge of the complaint. The **Headteacher** **should not** be on the panel and it would usually also be **inappropriate for the Chair of Governors to be a panel member.** The advantages of having a governor who is a parent on the panel should be borne in mind, as should the need to be sensitive to issues of gender, race and religious affiliation, if appropriate.
4. The complaint should be considered by the panel within the period of 15 academy days referred to in paragraph 2 above. Details of the date, time and location of the hearing should be agreed in consultation with, and confirmed in writing to, the complainant and panel members, at least 5 academy days prior to the meeting. The letter should also outline in general terms how the hearing will be conducted (see paragraph 6 below) and confirm the complainant’s right to be accompanied by a ‘friend’.
5. The meeting must be properly minuted, either by the Clerk to the Governors or an independent clerk (not another governor) appointed for the purpose.

At the meeting, the following procedure should be followed by the Chair of the panel:

* 1. Welcome all in attendance, and introduce panel members, giving their status (parent governor, etc).
	2. If the complainant is accompanied, check/clarify - if necessary - the name and status of the friend/representative.
	3. Explain the purpose of the meeting, ie
* To provide the complainant with the opportunity to explain or clarify their written complaint, and to enable the panel to identify any issues for investigation; and
* To ascertain from the complainant what would, in their view, constitute a satisfactory resolution of the complaint.
	1. Invite the complainant to explain their written complaint, with panel members asking questions and/or seeking clarification as necessary.
	2. Agree with the complainant the issues to be investigated and/or considered by the panel.
	3. Explain that the panel will undertake any necessary investigations and make a written response to the complainant (copied to the academy) within 15 academy days.
	4. Thank the complainant for attending and seek confirmation that they feel they have had full and fair hearing.
1. After the complainant has left the meeting, the panel should:
	1. Produce a letter to go to the complainant confirming the agreed issues for investigation/consideration (see paragraph 6.5)
	2. Agree the nature/scope and a timetable for any necessary investigations.
	3. If appropriate/necessary, agree a date to meet again, to consider the results of investigations and to draft/agree a written response to the complainant.
2. The Clerk to the Governors, or other person appointed to act as clerk to the complaints panel, should assist the panel in the production of their written response, once the complaint has been investigated. This response should confirm:
	1. The date and venue of the hearing attended by the complainant;
	2. Membership of the Governors’ panel;
	3. The issues mutually agreed to be the subject of the panel’s investigations and/or deliberations;
	4. The methodology followed by the panel for their investigation; (eg interviews, written statements obtained etc).
	5. The conclusions reached by the panel.
	6. The complainant’s right, if they are dissatisfied with the panel’s response, to write to the Authority within 10 academy days of receipt of the response requesting a review by the LA.
3. A copy of the panel’s response (and of the complainant’s request for the governors’ review) should be forwarded to the Authority for information.
4. The nature of the complaint and the outcome of the panel’s investigation should be reported, in general terms, to the next full meeting of the Governing Body, together with any implications for academy policies or procedures which require further consideration/action.

**APPENDIX 1A**

**BRYMORE ACADEMY COMPLAINTS PROCEDURE**

**Governing Body Review - Request Form**

When you have filled in this form, please return it to Mrs J Vearncombe, Clerk to the Governors, at Brymore Academy, Cannington, Bridgwater, Somerset, TA5 2NB

Your name: .............................................................................................................................

Your address and postcode: ...................................................................................................

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Your daytime telephone number: ............................................................................................

Your son’s name: ...................................................................................................................

Your complaint about the academy is: .........................................................................................

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When did you raise this with the Headteacher? / /

When did you receive the Headteacher’s response? / /

Your reasons for requesting a review are: ...............................................................................

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If you run out of space, please use extra paper)

**Brymore Academy Complaints Procedure**

**Governing Body Review - Request Form (continued)**

What do you want the Academy Governors’ Panel to do?

* \* Give an acknowledgement and/or apology
* \* Give an explanation
* \* Give an undertaking to recommend revision of academy policies or practices
* \* Give a commitment to recommend steps designed to prevent a recurrence
* \* Other action (Please specify)

Your signature ....................................................................... Date ......................................

What happens next?

* You will receive an acknowledgement that this form has been received
* You will be invited to discuss your complaint with a Panel of Governors
* Within 15 academy days of meeting the Governors’ Panel you will receive a full reply telling you the Panel’s conclusions/decisions, explaining their reasons and informing you of any action that has been taken/recommended.

**Equal Opportunities Strictly Confidential**

By answering the following questions, you will help us make sure we give a good and fair service to all the people in the community. (Please tick the relevant boxes.)

|  |  |  |  |
| --- | --- | --- | --- |
| Are you: Male? |  | Female? |  |
| Do you have a disability? Yes |  | No |  |
| Are you: White(UK Heritage) |  | White European? |  |
| White Other? |  | Please specify |  |
| Black Caribbean? |  | Black African? |  |
| Black Other? |  | Please specify |  |
| Indian? |  | Pakistani? |  |
| Bangladeshi? |  | Chinese? |  |
| Other? |  |  |  |

This information will not affect the way in which your complaint is handled.

When you have filled in this form please return it to Mrs J Vearncombe, Clerk to the Governors, Brymore Academy, Cannington, Bridgwater, Somerset, TA5 2NB