

## Complaints Policy and Procedures

### **Introduction**

Eden Park Academy is committed to listening to the views of everyone who uses the school. This policy is available to all parents/carers/pupils and prospective pupils linked with the school. Carers of pupils have access to the class teachers for conversations when accompanying pupils to school, or by telephone and arrangement through the office. Parent/carer evenings also provide an opportunity for further discussions.

In addition to this, it is important that parents and carers are able to discuss a concern that they may have with the Head Teacher and then have access to a formal complaints procedure if still not satisfied. This policy document relates to raising a concern with the Head Teacher and the formal complaints procedure.

### **Raising a Concern**

The staff, Head Teacher, Head of Education and the Proprietor believe that the most effective way to address concerns, is through informal discussion. Eden Park Academy believe that clear open-lines of communication often provide the most effective way to resolve most concerns.

If, however parents or carer wish to raise a concern as a complaint, they should contact **Elayne Bryan** the Head Teacher – directly, who will schedule a meeting with the appropriate people, and begin her investigation (07795 196737).

Parents, Home Managers and Social Workers are encouraged to attend and be accompanied to a panel if they so wish.

### **Stage One**

It is hoped that a concerns can be addressed through informal discussion will the concern but if it does not, the next step is to make a formal complaint under the school's complaints procedure. This formal complaint must be given in writing and a letter of notification will be sent out to the Complainant within 7 working days to inform that the complaint has been received and that action will be taken.

### **Formal Complaints Procedure**

A copy of the school's formal complaints procedure is attached (Appendix I). A key principle is that everyone involved has the opportunity to explain their understanding of the issues, so that all the relevant circumstances are investigated and considered. This is important for children, parents and carers and equally for staff.

## **General Principles**

### **Complaints Co-ordinator**

The Head Teacher is designated as the Complaints Co-ordinator.

### **Confidentiality**

Staff and any Directors involved in the handling of a complaint will treat the matter as confidential, subject to any duties of disclosure that may apply. The Complainant will be asked to similarly respect the confidentiality of the issues under consideration. All correspondence, statements and records of complaints must be kept confidential but must be shown to Ofsted/ISI when they inspect. Copies are also available for the Registration Authority on request.

If the Complainant raises the complaint outside school, school may need to supply information or documents to outside bodies in order to explain the circumstances. (Confidential except where the Secretary of State or a body conducting an inspection under Section 163 of the 2002 Act requests access to them.

### **Board of Governors Review**

The Board of Governors may monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and recommend revisions where appropriate. Complaint information shared with the Board of Governors will not name individuals.

### **Time-limits**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The policy does not stipulate fixed periods for every step as circumstances will vary.

**Stage 1** – The school will respond in writing within 7 working days with a brief summary of the complaint and a response.

If the Complainant wishes to make the complaint formal, it moves to Stage 2, a request must be submitted to the school in writing within 14 working days. Otherwise the matter is considered closed, and will not be taken any further. The letter must explain why the Complainant is dissatisfied with the outcome of Stage 1

**Stage 2** - If dissatisfied with the outcome at Stage 1, the Complainant should contact the Head teacher about the issue. (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 Head teacher will provide a response to the Complainant (after confidential discussions with relevant colleagues, if necessary).

The school will respond in writing within 14 working days with a summary of the complaint and a response. If the Complainant wishes to move to Stage 3, a request must be submitted to the school in writing within 15 working days. Otherwise the matter is considered closed and will not be considered further. The letter must explain why the Complainant is dissatisfied with the outcome at Stage 2.

**Stage 3** - Under law, where the Chair of the Board of Directors is absent, the Vice Chair (or a representative nominated by the full Board of Directors) will assume the responsibilities outlined in this procedure. The Chair will respond in writing within 21 working days and an appeal procedure will be instigated with a summary of the complaint and a response.

### **Outcome of the Complaints Panel meeting**

The Complainant will receive a written explanation of the outcome and action taken within 5 working days of the Panel's meeting. If the Complainant is still dissatisfied, the final course of action is to write to the Secretary of State for Education.

To promote the aim of resolving a complaint at the earliest possible stage, Complainants are asked to use the Complaints Form attached at the end of this policy (Appendix I). The Complaints Form can be printed or is available on request from the office. The form should be sent to the office for the attention of the Head teacher.

The complaint will be handled confidentially by a senior staff member. The school will respect 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 coordinator can refer the Complainant to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Co-ordinator may consider referring the Complainant to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

If a Complainant makes their first approach to a Directors (for example because the Complainant is not aware of this policy) the Directors will advise the Complainant of this policy and refer them to the Complaints Co-ordinator. In general, Directors will not be involved at the early stages in case they are needed to sit on a panel at stage 3 of the procedure. However, if the complaint concerns the Complaints Co-ordinator, the Complainant may refer the complaint to the Chair of Directors (c/o the office).

### **Stage Two: Complaint Heard by Head teacher**

If the complaint is not resolved satisfactorily at stage 1, the Complainant may refer the complaint to the Head teacher. The Head may delegate the task of collating the information to another staff member in preparation for handling the complaint but may not delegate the decision on the action to be taken.

### **Stage Three: Complaint Heard by the Board of Directors Complaints Appeal Panel**

If the complaint is not resolved satisfactorily at stage 2, the Complainant may refer the complaint to the Chair of Directors (c/o the office), who will set up an Independent Body Complaints Appeal Panel (3 or more members, 1 independent of the management and running of the school) to hear the complaint. No members can have had any direct involvement in the complaint. The hearing by the panel is the last school based stage of the procedure.

The Complainant has 14 working days from the conclusion of stage 2 to refer the complaint to the Company Director. The Complainant should enclose the complaint form and provide details of why they remain dissatisfied following stages 1 and 2 above. If no referral is made within 14 working days of stage 2, the complaint will be treated as concluded at stage 2.

In exceptional circumstances, the company Director/Head of Directors may exercise his/her discretion to extend the 21 working day period for making a referral.

Individual complaints would not be heard by the whole Board of Directors at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. Any findings and recommendations must be provided for the panel with the Complainant, proprietors, head teacher, and where relevant the person complained about are given a copy.

The panel is drawn from the Board of Directors and may include the Chair of Directors. It will consist of 3 people and the panel may choose their own chair. The panel will liaise with the Clerk to establish possible dates for the hearing, so that dates may be offered to the Complainant as soon as is reasonably practical.

#### **The Remit of the 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

#### **The Panel's Approach**

Any Directors on the panel will adopt the following approach:

- A.** It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Directors 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, Directors need to try and ensure that it is

a cross-section of the categories of Directors and 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 school 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/carers often feel emotional when discussing an issue that affects their child. 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. The complainant may bring a person of their choice to support them if they so wish.
- 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, the child needs to attend. Parents may bring a person of their choice to support them if they so wish.
- E.** The Directors sitting on the panel need to be aware of the complaints procedure.

### **Parents Involvement**

Parents (who still have parental responsibility) will be kept informed at each stage and given the opportunity to attend the panel if they so wish. They will be accompanied by a social worker or member of staff/family at the panel hearing.

When a young person is admitted to the company any parent with parental responsibility is issued with a Parent/carers guide which details fully how to make a complaint. Parents who work and/or need special flexibility around childcare will have their needs taken into consideration.

### **The Role of the Chair of the Panel**

The Chair of the Panel will ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- areas of agreement between the parties are identified so that the focus of the hearing is the outstanding issues;



- 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 and circulated in advance to allow time for proper review;
- if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- that a copy of any findings and recommendations is– provided to the complainant and, where relevant, the person complained about;
- a copy of the complaint procedure is available for inspection on the school premises by the proprietor and the head teacher;
- details of any action taken by the school as a result of those complaints (regardless of whether they are upheld); and in line with section 33(k) correspondence, statements and records relating to individual complaints are 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.

### **The Role of the Complainant**

- The Complainant will attend the panel hearing;
- The Complainant will be given the opportunity to ask questions;
- The Complainant may be asked to answer questions by the panel or by members of staff present at the hearing.

### **The Role of the Clerk**

The panel will be clerked by the Clerk to the Board of Directors. The clerk will be the contact point for the Complainant and will:

- 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.
- correspondence, statements and records relating to individual complaints are to be kept in a locked office within the school.

## **Recording of the complaint**

A written record is kept of all complaints whether they are withdrawn or are resolved following a formal procedure, or proceed to a panel hearing. It will include action taken by the school as a result of those complaints (regardless of whether they are upheld). Correspondence, statements and records relating to individual complaints are 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).

## **Withdrawal of the Complaint**

If at any time the Complainant decides that they wish to stop a stage 3 panel hearing and withdraw their complaint, they may do so by writing to the Chair of Directors.

If a Complainant decides not to attend a stage 3 panel hearing and does not request a rescheduled hearing date, the complaint will be treated as withdrawn.

## **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. Notification will be sent within 15 working days of the panel hearing, unless otherwise agreed at the hearing. The letter will explain that the panel hearing is the last school-based stage of the procedure and the Complainant cannot re-open the same issue.

The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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