



EDEN PARK
HIGH SCHOOL

COMPLAINTS POLICY

Date of Last Review: February 2016

Date of Next Review: May 2019

Responsibility: Mrs E. Thompson

Advisory Body Signature:



Dealing with Complaints – Initial concerns

The majority of issues raised by parents, the community or students, are concerns rather than complaints. The Eden Park High School (the School) is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures.

Depending on the nature of the complaint, you may wish or be asked to follow the School's complaints procedure. For the School to be able to investigate a complaint, it needs to be made promptly and ideally within one week of the incident occurring.

The aim of this policy is to resolve the complaint as fairly and quickly as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

The Eden Park High School's Complaints Policy has four main stages.

In summary they are:

- **Stage 1**
A concern is raised informally with a member of staff.
- **Stage 2**
A formal complaint is heard by a Staff member/Deputy Head Teacher.
- **Stage 3**
The complaint is heard by the Head Teacher.
- **Stage 4**
The complaint is heard by the School's Complaints Appeal Panel.

Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issues are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Framework of Principles

The School's Complaints Procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
- ensures a full and **fair** investigation;
- respect people's desire for **confidentiality**;
- addresses all the points at issue and provides an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the School's senior management team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint will make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

Resolving Complaints

At each stage in the procedure the School will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, 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 the School's policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

The School will aim to:

- put right any matter which may have gone wrong; and
- review our systems and procedures in the light of the relevant circumstances.

Complaints brought by staff should be investigated using the Grievance procedure and not this Complaint Policy.

Only complaints received in writing (preferably using the Complaints form) will be considered. Anonymous complaints will not be considered.

Complaints must be made within 1 month of the event. Complaints after this period will not be considered.

A written record of all complaints will be kept by the School confirming whether each complaint has been resolved at the preliminary stage or proceeded to a panel hearing.

Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Advisory Body or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The Advisory Body will publicise the Complaints Policy and procedure in

- any home-academy agreement;
- School's Handbook; and
- the School's website.

EDEN PARK HIGH SCHOOL COMPLAINTS PROCEDURE

Stage One: Raising a concern

1. 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 the School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Concerns can be raised with the School at any time and will often generate an immediate response, which will resolve the concern.
3. The School requests that the parents and students make their first contact with the Form Tutor. Members of the community are encouraged to contact Sarah Whitten, Head Teachers PA in the first instance.
4. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within **five working School days**. The vast majority of concerns will be satisfactorily dealt with in this way.
5. If you are not satisfied with the outcome of Stage One then please write or telephone the School within **ten working School days** stating what action you would like the School to take.
6. The School will then look at your complaint at the next stage.

Stage Two: Complaint Heard by Staff Member/Deputy Head Teacher

1. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the School. The School will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
2. The School will try to respect the views of a complainant who indicates that he/she would have difficulty in discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a Deputy Head Teacher or, in some circumstances, to the Head Teacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Head Teacher, the complainant can be referred to the Chair of the Advisory Body or CEO.
3. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Deputy Head Teacher or Head Teacher may consider referring the complainant to another staff member. 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.
4. Where the first approach is made to a member of the Advisory Body, the next step would be to refer the complainant to the appropriate Line Manager. The Advisory Body member should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
5. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within **five working School days** of receiving a complaint. The acknowledgement will give a brief explanation of the School's complaints procedure and will give a target date for providing a response to the complaint which should normally be within **ten working School days**. If the target cannot be met a letter should be written within **ten working School days** explaining the reason for the delay and providing a revised target date.
6. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

7. Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
8. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. "Action taken within the Disciplinary Procedure".
9. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
 - there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
 - the concern was not substantiated by the evidence;
 - the concern was substantiated in part or in full. Some details may then be given of the action the School may be taking to review the procedures etc. but details of the investigation or of any disciplinary procedures will not be released;
 - the matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).
10. This letter or report must be endorsed by the Head Teacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Head Teacher within **ten working School days** of receiving the response.
11. If no further communication is received from the complainant within **ten working School days** it is deemed that the complaint has been resolved and should end.

Stage Three: Complaint Heard by the Headteacher

1. If the complainant is dissatisfied with the way the complaint was handled at Stage Two, they may go to Stage Three and have the Head Teacher hear the complaint.
2. The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
3. The same timings as in Stage Two will apply.
4. If the complaint is about the Headteacher, the complaint will be heard by the Chair of the Advisory Body.

Stage Four: Complaint Heard by the Advisory Body Complaints Appeal Panel or by the CEO (if not involved at Stage Three)

1. The complainant needs to write to the Clerk to the Advisory Body or the CEO as directed by the Head Teacher given details of the complaint. The Chairman, or the CEO, will hear the complaint and their decision is final.
2. The Clerk to the Advisory Body should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within **five working School days** and should inform the complainant of the arrangements for hearing the complaint within **twenty working School days** of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within **five working School days** of the date of the hearing to allow adequate time for the documents to be circulated.
3. No person involved should have previous involvement in the complaint.
4. The Advisory Body's appeal hearing is the last School-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
5. Individual complaints would not be heard by the whole Advisory Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
6. The Advisory Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:
 - drawing up its procedures;
 - hearing individual appeals; and
 - making recommendations on policy as a result of complaints.
7. In the event of neither the Chairman nor the CEO being available a panel can be drawn from the nominated members and may consist of three or five members of the Advisory Body. In this case the panel may choose their own Chair. At least one member of the panel will be independent of the management and running of the School.
8. If the complaint is about the Head Teacher a hearing by the CEO or Chair of the Advisory Body becomes Stage Three. If the complainant is unhappy he/she needs to write to the Clerk of the Advisory Body whereupon a panel of three to five members of the Advisory Body (not previously involved) will hear the complaint. Their decision will be final.

The Remit of the Complaints Appeal Panel

1. 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.
2. There are several points which any member of the Advisory Body sitting on a complaint 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 Advisory Body member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. At least one member of the panel will be independent of the management and running of the School.
 - 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 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 child. The panel Chair will ensure that the proceedings are as welcoming as possible.
3. The Clerk to the Advisory Body will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting **five working School days** in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Head Teacher has the right to bring representation if so desired.
4. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

Hearing the Complaint at the Meeting

- The aim of the meeting will be to resolve the complaint and achieve reconciliation between the School and the complainant.
- In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The recommended conduct of the meeting is as follows:
 - a. The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
 - b. The Chair of the panel will invite the complainant to explain the complaint.
 - c. The Panel members may question the complainant about the complaint and the reasons why it has been made.
 - d. The Head Teacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
 - e. The Chair of the panel will invite the Head Teacher to make a statement in response to the complaint. At the discretion of the Chair of the panel the Head Teacher may invite members of staff directly involved in the complaint to supplement his/her response.
 - f. The Panel members may question the Head Teacher and/or members of staff about the response to the complaint.
 - g. The Chairman of the panel will allow the complainant to question the Head Teacher and/or members of staff about the response to the complaint.
 - h. Any party has the right to call witnesses, subject to the approval of the Chair of the Panel.
 - i. The panel, the Head Teacher, and the complainant have the right to question any such witness.
 - j. The Head Teacher will be invited by the Chair of the panel to make a final statement.
 - k. The complainant will be invited by the Chair of the panel to make a final statement.

- l. The Chair of the panel will explain to the complainant and the Head Teacher that the decision of the panel will now be considered and a written decision will be sent to both parties within **fifteen working School days**. The Chair of the panel will then ask all parties to leave except for members of the panel.
- m. The panel will then consider the complaint and all the evidence presented and;
 - i. Reach a decision on the complaint and the reasons for it.
 - ii. Decide upon the appropriate action to be taken to resolve the complaint.
- n. The members of the Advisory Body sitting on the panel need to be aware of the complaints procedure before the meeting.

Roles and Responsibilities

The Role of the Clerk

The clerk is the contact point for the complainant and is 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Advisory Body or Nominated Member

The Chair of the Advisory Body must ensure that:

- the complaints procedure has been correctly followed until this point; and
- if a hearing is appropriate, 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 and/or no member of the panel has 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.

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. Students may not appear as witnesses, but they may provide statements.

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

The Head Teacher may question both the complainant and the witnesses after each has spoken.

The Head Teacher is then invited to explain the School's actions and be followed by the School's witnesses.

The complainant may question both the Head Teacher 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 Head Teacher is then invited to sum up the School'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.

Complaint form

Please complete and return to Sarah Whitten (the Head Teacher's PA) who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the Student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to 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:

OFFICIAL USE

Date acknowledgement sent:

By who:

Complaint referred to:

Date: