



Concerns and Complaints Policy

Date Reviewed: December 2017

Date Ratified by Governors: May 2018

Date due for renewal: December 2018

COMPLIMENTS, COMMENTS, CONCERNS AND COMPLAINTS

1. Introduction

- 1.1 Wyvern Academy is interested in hearing the views of others regarding the services the Academy provides.
- 1.2 These views may be expressed by parents regarding their son / daughter's education, from community users or members of the public who come into contact with the Academy through the provision of services, as a customer or as a neighbour.
- 1.3 The Academy expects that most people will have a positive view of its work but recognises that there may be exceptions to this.
- 1.4 This policy details the processes which the Academy has to receive and consider all views; good and bad.

2. COMPLIMENTS

- 2.1 If parents, community users or the general public, have had a positive experience of the Academy or have received outstanding service from a member of Academy staff, the Academy would like to hear about it. Such compliments contribute to the Academy's ethos of continuous improvement, and enables it to recognise and reward staff who have excelled in the performance of their duties
- 2.2 Compliments should be addressed to the Headteacher's PA, who will respond in each case. Where a compliment is regarding a member of staff then the individual and their line manager will be informed and a copy retained on the individual's personal file.
- 2.3 General compliments will be retained in the compliments file situated in the Headteacher's office. Compliments received may also be used as evidence of, for example, good customer relations, should the Academy wish to pursue awards or in inspections.

3. COMMENTS

- 3.1 If parents or community users have a comment to make about the services of the Academy, then we would like to hear these too. This may be where a parent or community user has identified a way in which services may be improved and provides a mechanism for the Academy to be informed of these so they can be considered.
- 3.2 Comments should be addressed to the Headteacher, who will respond in writing advising of any action taken as a result of the suggestion made.

4. CONCERNS

- 4.1 It is important to be clear about difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 4.2 Where possible concerns will be handled without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. It can be advantageous if staff are able to resolve issues on the spot, including

apologising where necessary. It is anticipated that the majority of concerns can be resolved in this way without resorting to the use of formal procedures.

5. Procedure for raising concerns

- 5.1 Parents are encouraged to raise specific pupil concerns with individual Heads of Year or alternatively by email at adminoffice@wyvernacademy.org where your concerns will be forwarded to the relevant person. Community users and members of the public are encouraged to raise any concerns via email to adminoffice@wyvernacademy.org or by contacting us on the main school number of 01325 – 351377.
- 5.2 Where concerns are raised with any other member of staff including, for example, the Academy office, a member of the Senior Leadership Team or the Headteacher's PA will refer them to the member of staff concerned for informal resolution.
- 5.3 The normal Academy standard will be that members of staff aim to make an initial response to concerns within 48 hours. Where this does not prove possible, an explanation will be given for any delay.
- 5.4 Members of staff dealing with concerns should record the concerns raised and the steps taken to deal with them. Unless it is clear that the person raising the concern is completely satisfied, they should be given a copy of this policy which includes a form for making formal complaints. The member of staff should also inform the Assistant Headteacher for Pastoral and the Headteacher's PA that it has not been possible to satisfactorily resolve a concern.

6. COMPLAINTS

- 6.1 This section of the policy sets out the procedure which the Academy will use to address and attempt to resolve formal complaints. The Academy believes that this policy accords with the Department for Education requirement for all schools to have a complaints procedure.
- 6.2 The process for dealing with complaints will be:
- Impartial
 - Non-adversarial
 - Accessible and publicised
 - Allow swift handling with established time-limits for action
 - Ensure a full and fair investigation
 - Keep people informed of progress
 - Respect and maintain confidentiality

7. Process for dealing with complaints

- 7.1 In a small number of cases it may not be possible to resolve complaints on an informal basis. Formal complaints should be submitted to the Headteacher on the form attached to this policy. Once a formal complaint has been received, the Headteacher will appoint an officer to investigate and respond to the complaint.
- 7.2 Within three working days of receiving a written complaint, the Headteacher's PA will write to the complainant and explain how and by whom the complaint is to be investigated. The letter will also give a date by which the outcome of the investigation will be reported to the complainant in writing. Unless there are exceptional circumstances, this will be within 20 working days of receipt of the written complaint.
- 7.3 If the complaint concerns the conduct of Headteacher's PA, the Headteacher's PA will not be involved in the procedure at any point. If the complaint concerns the conduct of the Headteacher, the Chair of Governors will appoint a member of the Governing Body to investigate the complaint.

7.4 The person investigating the complaint will seek to:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- possibly meet with the complainant to clarify what the complainant feels would resolve the complaint;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of all interviews undertaken.

7.5 The person investigating the complaint will be responsible for ensuring that a written report of their findings is made to the complainant and that a full record of the investigation, including the original written complaint and the written report is kept on file. This record is confidential to the parent, the members of staff involved in the investigation of the complaint and the Headteacher.

7.6 The letter reporting the outcome of the investigation will explain that, if the parent is not happy with the outcome, they have a right of appeal to a panel of three members of the Governing Body who have not previously been involved in dealing with complaint. The letter should ask parents to indicate within five working days whether or not they wish to appeal.

8. The Appeal Process

8.1 If complainants indicate in writing that they wish to appeal against the outcome of the investigation into their complaint, the Chair of Governors is responsible for convening a meeting of an Appeal Panel within fifteen working days of receipt of written indication of the intention to appeal.

8.2 The Appeal Panel will normally consist of the Headteacher, or Executive Director, a member of the Governing Body not employed by the Academy or involved in any way in the day to day running of the Academy, and the Chair or Vice Chair of the Governing Body. In constituting the Appeal Panel the Chair or Governors will ensure that at least one member of the Consilium Directors is present. If the Headteacher was involved in the investigation of the complaint, or if the complaint concerned the conduct of the Headteacher, that person will not be eligible to be a member of the Appeal Panel.

8.3 The Appeal Panel will be chaired by the member of the Governing Body not employed by the Academy or involved in any way in its day to day running who is considered independent for the purpose of this policy.

8.4 The Appeal Panel will be clerked by the clerk to the Academy Governing Body.

8.5 The Complaints Co-ordinator will write to the complainant giving at least ten days notice of the date and time of the meeting of the Appeal Panel and advising them of their right to attend and to be accompanied if they wish.

8.6 The letter giving notice of the Appeal Panel meeting will also include copies of any documents necessary to understand the outcome of the investigation into the original complaint. Such documents may be edited to avoid identifying any pupils involved.

8.7 At the meeting of the Appeal Panel, the person who investigated the original complaint will outline the process of the investigation and explain the outcome. At the end of this explanation, the complainant will be invited to ask any questions. The complainant will then be asked to add any comments of their own and, in particular to explain what they would like to be done in response to their complaint.

8.8 After the person who investigated the original complaint and the complainant have spoken and answered any questions put to them by members of the Panel, they will withdraw and the Panel will consider its decision.

- 8.9 The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy 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.
- 8.10 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 conduct the meeting in a positive and supportive manner and ensure the process is informal and not adversarial.
- 8.11 The Panel will consider whether or not they are satisfied with the outcome of the original investigation. If they are satisfied that the outcome was wholly reasonable, the Chair will write to the complainant, within five working days of the appeal hearing, explaining the Panel's decision. If relevant, a copy of this letter will also be shared with the member of staff about whom the original complaint was made.
- 8.12 If the Panel upholds the complaint in whole or in part, they will set out their findings and consider whether or not it is 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 reoccur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review school policies, systems and procedures and will be in light of the complaint to ensure that problems of a similar nature do not reoccur.
- 8.13 The clerk to the Appeal Panel will ensure that a full record of the panel meeting, including copies of all the papers, is stored at the Academy. All these records are confidential to the complainant, the Panel members and the members of staff involved in the original complaint and its investigation.
- 8.14 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 a 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.
- 8.15 The Governors Appeal Panel is the final stage of the Academy's complaints procedure. If the complainant is not satisfied with the final outcome of this process, they may be advised of any potential alternative routes, external to the Academy, through which they can raise their concerns.

9. Monitoring Compliments, Comments and Complaints

- 9.1 The Headteacher will report periodically on the operation of this policy to the Governing Body. This report will include:

- the number of formal compliments, comments and complaints that have been made (it is not possible to record all concerns as these are dealt with informally);
- the number of complaints that have been satisfactorily dealt with at the point of the original investigation;
- the number of occasions on which the Appeal Panel has met;
- any significant amendments to Academy policy or practice as a result of the complaints made;
- any issues that have arisen in the operation of this policy.

9.2 The Headteacher's report will respect the confidentiality of the individual complainants'.

9.3 In the light of the Headteacher's report, the Governing Body will consider whether or not the complaints procedure should be amended in any way.

10. Anonymous complaints

10.1 Dependent on their nature, anonymous complaints may be taken seriously but may be seen as vexatious or malicious.

10.2 Where an anonymous complaint is considered serious, an internal investigation will be carried out but it will not be possible to respond to a complainant.

11. Serial complainants and vexatious or malicious complaints

11.1 Serial complainants are those who may repeatedly make formal complaints regarding the same issue and are not satisfied with the outcome of the complaints process.

11.2 In cases when the complaints process has been exhausted the Chair of Governors may decide that further complaints, from the same complainant, regarding the same issue, will not be investigated by the Academy. In such cases the Complaints Co-ordinator will write to the complainant and inform them of this.

11.3 Should the complainant make a subsequent complaint regarding a different issue, then this will be dealt with through this policy unless such a complaint is considered to be malicious or vexatious.

11.4 Malicious or vexatious complaints are those made in attempt to cause mischief and without any intention to resolve the issue complained about.

11.5 If a complaint is believed to be malicious or vexatious the Chair of Governors may decide that the complaint will not be investigated by the Academy. In such cases the Complaints Co-ordinator will write to the complainant and inform them of this.

11.6 Both of these situations are rare and shall be considered as an exceptional circumstance. The decision not to investigate a complaint will only be taken if warranted by the nature of the situation.

12. Interaction with the Disciplinary Procedure

12.1 If misconduct by a member of staff is alleged by a complainant or arises through the investigation then the employee will be informed as soon as is practicable.

12.2 All investigatory meetings which such an employee attends will be conducted in line with the disciplinary policy to ensure that the employee is afforded the appropriate representation and support.

- 12.3 Evidence gathered through a complaints investigation may be used as part of a management statement of case should a disciplinary matter progress to a hearing.
- 12.4 A complainant may be informed if the disciplinary policy has been invoked but will not be informed of the outcome of this process as this is confidential to the individual member of staff concerned

Wyvern Academy

Complaint Form

Please complete and return to Mrs W Wilkinson, Headteacher, Wyvern Academy, Eggleston View, Darlington DL3 9SH

Your name:

Pupil's name (if relevant):

Your relationship to the pupil:

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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: