

Ratified by Oasis Academy
Immingham's Academy Council

Date: 13th July 2009

Parental Complaints Policy Implementation: June 2009 Review: June 2011



1 Principles

- 1.1. The Academy is required to have a policy for dealing with parents' complaints. Complaints can cover a wide variety of matters that concern parents. The Academy expects ALL parental complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.
- 1.2 The Academy's complaints policy allows parents' complaints about academy issues to be dealt with efficiently and sensitively, and at the appropriate level.

2 Aims

- 2.1 The policy aims to ensure that:
 - all complaints from parents, (and also students and others) are dealt with as quickly and sensitively as possible, and by the person best able to do so;
 - as far as possible all concerns should be dealt with as informally as possible.
 - a parent, student or other complainant should be able to expect to have a response to their complaint within one school day of having made the complaint. This may be an acknowledgement of the complaint, if not the final response.

3 Types of Concerns and Complaints:

- 3.1 The majority of complaints received by the Academy are likely to fall into the following categories:
 - **financial and administrative;**
 - **academic** (course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject etc);
 - **pastoral** (discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the student, unhappiness of child etc); and
 - **child protection** (allegations against staff, handling of sensitive issues)
 - **health and safety**

4 Responsibilities:

4.1 Academy Council:

The Academy Council is responsible for:

- approving the Academy policy, procedures, and guidelines;
- hearing and deciding on appeals at "stage 3 (see later) – with this hearing being by an Academy Councillor or a panel from the Academy Council;
- receiving reports; and
- advising the Principal.

The Academy Council will monitor the level and nature of complaints and review the outcomes annually or earlier if so determined by the Chair.

4.2 The Chair of the Academy Council is responsible for:

- receiving complaints at Stage 3 of the complaints procedure (see clause 6);
- nominating a Councillor or panel from the Academy Council to hear the appeal; and
- checking that the correct procedure is followed.

- 4.3 The nominated Councillor or Chair of the Panel at Stage 3 is responsible for ensuring that:**
- the parties understand the procedure;
 - the issues are addressed;
 - key findings of fact are established;
 - complainants are put at ease;
 - the hearing is conducted as informally as possible;
 - the panel is open-minded and acts independently;
 - no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
 - all parties have the chance to be heard;
 - any written material is seen by all parties; and
 - related Child Protection and Data Protection rules are observed and maintained.
- 4.4 Clerk to the Academy Council**
The Clerk will act as the reference point for the complainant at Stage 3 of the complaints procedure (see clause 6). The Clerk must:
- set convenient dates and times and venues for hearings;
 - collate any written material and forward it to the parties;
 - meet and welcome the parties;
 - record the proceedings; and
 - notify the parties of the decision.
- 4.5 Principal**
The Principal is responsible for:
- the overall internal management of the procedures;
 - hearing complaints at stage 2 of the complaints procedure (see clause 6);
 - ensuring that the procedures are monitored and reviewed and reports made to the Academy Council (at least annually – see 4.1 earlier).
- 4.6 Complaints Co-ordinator**
The Complaints Co-ordinator is responsible for:
- the efficient operation and management of the policy and procedures;
 - training staff on how to deal appropriately with complaints;
 - keeping parents, students and others informed of the procedures;
 - compiling reports for the Principal as required; and
 - may be required to hear and/or resolve complaints at stage 1 of the procedures
- 4.7 Finance and Business Manager**
The Finance and Business Manager is responsible for:
- administrative, environmental and financial queries and complaints.
- 4.8 Learning Directors and other middle managers**
Learning Directors and other middle managers are responsible for:
- dealing with and where possible resolving complaints about academic matters, programmes of study or teaching methods at stage 1 of the procedures.
- 4.9 Pastoral Heads of Year**
Pastoral Heads of Year are responsible for:
- dealing with and where possible resolving complaints concerning overall student progress, discipline issues and pastoral care.
- 4.10 Named Senior Member of Staff**
Staff may be named for specific child protection issues (see clause 7.1 iii).

4.11 **All staff**

All staff are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- for informing the relevant staff of the concerns according to procedures in 7.1; and
- passing any complaints received from other people who are not parents or students to the Complaints Coordinator.

4.12 **Oasis Community Learning Board**

A member or panel of the Oasis Community Learning Board is responsible for:

- hearing complaints at stage 4 of the complaints procedure (see clause 6).

5 Information for Parents

5.1 The Academy will include in its prospectus advice to parents that any complaints they may have should be made in accordance with the Academy's Complaints policy. The Complaints policy should be available via the Academy's website or directly from the Academy

5.2 If parents, students or other complainants wish to register a formal complaint they should be asked to complete the Academy's Complaint Form (Appendix 1) and return it to the Complaints Co-ordinator.

6 Formal Procedure

6.1 Every attempt will be made to resolve complaints informally, but if this fails the following procedure will be followed:

- **Stage 1** Complaint heard by **staff member** (who is not subject of the complaint);
- **Stage 2** Complaint heard by **Principal**;
- **Stage 3** Complaint referred to **Academy Council**.
Complaint is made in writing to the Chair of the Academy Council and heard by a Councillor or panel from the Academy Council nominated by the Chair; and
- **Stage 4** An appeal is made to **Oasis Community Learning Board**. Complaint is made in writing to the Head of Governance Services (Oasis Community Learning). In consultation with the Chair of the Oasis Community Learning Board (or deputy in his absence) he/she will decide if the complaint should be heard by the Chair, another Board member on their own or a 3 person panel from the Oasis Community Learning Board. The decision as to who hears the complaint at stage 4 and when, will depend on the seriousness of the complaint, relevant time concerns, and any other relevant factors.

7 Guidelines

All academy staff and Academy Councillors should be conversant with the following procedures. For a summary of these procedures please refer to Appendix 2.

7.1 Stage 1

i Complaint heard by member of staff

All staff should listen carefully and patiently to parents' and students' complaints, recognising that however possibly ill-founded the complaint may appear to be, it is a matter of great concern to the parent or student.

If a simple verbal complaint is made it might be possible in most cases to resolve it immediately. Therefore if the matter is within the competence of the member of staff to resolve quickly this should be done. Complaints should be recorded using the complaints form (Appendix 1) as necessary.

In more serious cases, or where a member of staff is uncertain, parents should always be asked to put their complaint in writing. They may wish to use the Academy's Complaints form (Appendix 1). This is to ensure that there is no conflict in determining what the complaint consists of and the action taken by members of Academy staff.

If the complaint cannot be resolved by the member of staff, he/she may wish to seek the advice of a senior member of staff and/or the Complaints Co-ordinator, and refer the complaint to them. In doing so the member of staff should ensure that details of the complaint are recorded and passed on using the Academy's Complaints form. If possible the senior member of staff and/or the Complaints Coordinator should attempt to resolve the complaint at this stage. However if a resolution cannot be found the Complaints Coordinator should inform the complainant of their right to appeal to the Principal (stage 2). The Complaints Co-ordinator should then inform the Principal of the action taken.

ii Serious Complaints from students

If a serious complaint is made by a student, the member of staff hearing the complaint should immediately inform the Complaints Co-ordinator, who will immediately inform the student's tutor or the Pastoral Heads of Year. It will be the responsibility of the student's tutor or the Pastoral Heads of Year to determine whether he/she can deal with the issue, or in consultation with the Co-ordinator, decide what the next course of action should be. They may refer the matter to the Principal (stage 2).

In any cases of doubt, members of staff should seek the advice of the Complaints Co-ordinator or the senior member of staff with responsibility for mentoring colleagues.

iii Child Protection

If the complaint concerns a child protection issue or involves an allegation of abuse by a member of the Academy staff, the named person responsible for child protection complaints should be informed.

iv Time limits

At Stage 1 the Academy should aim to resolve the complaint within **one school day** of receiving it. Where this is not possible, the Complaints Co-ordinator will inform relevant parties of the action being taken, and when it is expected to be resolved.

No complaint should normally be left unresolved at this stage after **three school days** of receipt of the complaint. In exceptional circumstances the matter will be referred to the Principal who will determine the appropriate action, and will keep relevant parties informed.

7.2 Stage 2

Complaint heard by Principal

The Principal will decide the outcome at this stage, but may delegate the collating of information to the Complaints Co-ordinator.

The Principal must normally resolve the matter within **three school days** of receiving notification of the complaint. In exceptional circumstances a longer time scale can be agreed, either by agreement with all parties or by a decision of the Chair of the Academy Council if no agreement is reached.

If the Principal is unable to resolve the issue, it is open to the complainant to make representations to the Academy Council (Stage 3).

7.3 Stage 3

Appeals to the Academy Council

Complainants who are not satisfied by the Principal's decision can make representations to the Academy Council.

The complainant must be advised by the Complaints Co-ordinator to write to the Chair of the Academy Council giving details of the complaint. The Chair will nominate a Councillor or a panel of Councillors from the Academy Council to hear the appeal. The hearing must be within **10 school days** of the Chair receiving notice of the complaint.

The complainant must be told of their right to be accompanied by a friend, and where relevant translations/interpreters must be arranged by the Clerk of the Academy Council in consultation with the parties.

The nominated Councillor/panel will make its own procedures, and will agree these with the Academy Council Chair, who will report them to the next Academy Council meeting.

The Councillor/panel will ensure that the complainant is heard in private, is welcomed, and as far as possible is put at ease.

Careful consideration must be taken when the complainant is a student.

The Councillor/panel will hear the appeal(s), consider all the views expressed and decide the outcome.

The Councillor/panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on appropriate action to resolve the complaint; or
- recommend changes to the Academy's systems or procedures.

The Academy Council's decision is binding.

The decision at this stage must be communicated to the parties within three working days of the hearing.

7.4 Stage 4

Appeals to the Oasis Community Learning Board

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Complainants who are not satisfied by the Academy Council's decision, can appeal to the Oasis Community Learning Board via the Head of Governance Services at Oasis Community Learning.

The complainant must be advised by the Complaints Co-ordinator to write to the Head of Governance Services at Oasis Community Learning, giving details of the complaint, and state their reasons for appealing following the Academy Councils' decision.

Once the complaint has been received by the Head of Governance Services (Oasis Community Learning), he/she will decide in consultation with the Chair of the Oasis Community Learning Board (or deputy in his absence) who should hear the complaint. Depending on the nature of the complaint, it will be heard by the Chair or another member of the Oasis Community Learning Board on their own, or a 3 person panel from the Oasis Community Learning Board. The decision as to who hears the complaint at stage 4 and when, will depend on the seriousness of the complaint, relevant time concerns, and any other relevant factors.

The hearing must be within **28 school days** of the Head of Governance Services (Oasis Community Learning) receiving notice of the intention to appeal.

The complainant must be told of their right to be accompanied by a friend, and where relevant translations/interpreters must be arranged by the Head of Governance Services, in consultation with the parties.

The nominated Oasis Community Learning Board member/panel will make its own procedures, and will agree these with the Chair, who will report them to the next Board meeting.

The Board member/panel will ensure that the complainant is heard in private, is welcomed, and as far as possible is put at ease.

Careful consideration must be taken when the complainant is a student.

The Board member/panel will hear the appeal(s), consider all the views expressed and decide the outcome.

The Board member / panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on appropriate action to resolve the complaint; or
- recommend changes to the Academy's systems or procedures.

The Board member/panel's decision is binding.

8 Appeals to the Secretary of State

8.1 If the complaint is not resolved at the Academy level parents can, if they remain dissatisfied, make representations to the Secretary of State that the Academy is acting unreasonably or unlawfully.

9 Dealing with Complaints through Ofsted

9.1 The Education (Investigation of Parents' Complaints) (England) Regulations 2007 brought in a new procedure for dealing with parents' complaints through Ofsted. The

regulations set out what complaints can be investigated by Ofsted as qualifying or non-qualifying complaints.

Ofsted cannot investigate a parental complaint until the parent has exhausted all internal methods and appeals. However, the Chief Inspector has the discretion to waive this restriction.

10 Vexatious Complaints

10.1 If the complainant remains dissatisfied after all stages have been properly followed, the Chair of the Academy Council is empowered to inform them in writing that the procedure has been exhausted and that the matter is now closed.

11 Investigating Complaints

11.1 The person investigating the complaint will make sure that they:

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

12 Resolving Complaints

12.1 At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. 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; and
- an undertaking to review Academy policies in light of the complaint.

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

12.3 At all stages 1 – 4 those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

13 Reporting and Recording

- 13.1 In all cases it is important for staff to use the Academy's Complaints Form (Appendix 1) so that records of the complaint and the action taken can be recorded and traced. Supporting documents should be attached to the form.
- 13.2 The Principal and Complaints Co-ordinator will consider the handling of complaints from time to time, and will discuss issues with staff as necessary.

14 Equal Opportunities

- 14.1 In implementing this policy the Academy Council, Principal and staff must take account of the Academy's equal opportunities policy.

15 Monitoring and Review

- 15.1 The Principal will report to staff from time to time, and to the Academy Council annually or earlier if the Chair so determines, on the number and type of complaints received and their outcomes.
- 15.2 The Academy Council may decide from time to time to report on Complaints to the parents via the Academy's newsletter.
- 15.3 The Oasis Community Learning Board will review the policy every three years.

Signed: _____

Date: _____

Chair of the Academy Council

Appendix 1

Complaint form

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken

Your name:	
Student's name:	
Your relationship to the student:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Mobile number:	
Please give details of your complaint:	
<p>What action, if any, have you already taken to try and resolve the complaint? Who did you speak to and what was the response?</p>	

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paper work? If so, please give details:	
Signature	
Date	
<i>For Official use only</i>	
Acknowledgement of complaint sent (date)	
By whom	
Signature	
Please complete the following, acknowledging the stages of the complaints procedure that have been followed and make any comments as necessary	
Stage 1 (complaint heard by staff)	Date: _____ Signature: _____
Stage 2 (complaint heard by Principal)	Date: _____ Signature: _____
Stage 3 (Complaint referred to Academy Council)	Date: _____ Signature: _____
Stage 4 (Complaint referred to OCL Board)	Date: _____ Signature: _____

