

**Sheffield Springs Academy
Complaints Policy & Procedures
2019-2020**

KEY REQUIREMENTS

Sheffield Springs Academy

- must publish a complaints procedure for parents and prospective parents
- must adhere to the principles set out in this policy
- must designate a member of staff to be their Complaints Coordinator. This is Mrs Andrea Garnett, Executive Business Manager
- must keep a written record of all complaints made in accordance with sub paragraph (e) of Part 7 of the Education (Independent School Standards) Regulations 2014. These records to also record whether the complaint was resolved following a formal procedure, or progression to a panel hearing
- must keep all correspondence, statements and records of individual complaints confidentially except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them
- must record any action it takes as a result of complaints (regardless of whether they are upheld)
- must keep a record of the progress of each complaint and the final outcome, recording and monitoring the number of complaints registered under the formal procedure each school year.

1. Recommendations and Guidance

The Academy will aim to:

- Take all concerns and complaints seriously.
- Make every effort to deal with complaints informally and at an early stage in a spirit of partnership. The aim should be to identify areas of agreement between the parties. It is also equally important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- Apologise wherever necessary. An admission that the academy could have handled the situation better is not the same as an admission of negligence.
- Deal with complaints in an impartial and non-adversarial manner. As far as possible deal with complaints in such a way as to resolve the issue, maintaining the best interests of the pupil or pupils involved (where that is applicable).
- Publish a complaints procedure which is easily accessible and simple to understand and use.
- Ensure a full and fair investigation is undertaken; normally by a person who has not been directly involved in the matter.
- Respect people's desire for confidentiality.
- All staff have a responsibility to ensure that complaints are dealt with under the terms of this policy. To that end, staff should be made aware of the procedures so that they know what to do if they receive a complaint.
- As part of their role, the Complaints Coordinator should be required to prepare an annual report for the LGB.
- The Executive Principal has overall responsibility for the management of complaints and together with the LGB, responsibility for the publication and implementation of the formal complaints procedure.

2. Implementation and Procedures

- At each stage of the procedure it is helpful to clarify exactly who will be involved, what will happen and how long it will take. There may, on occasion, be the need for some flexibility in the application of the procedure; for example, the possibility of further meetings between the complainant and the member of staff directly involved, and further investigations may be required by the Headteacher, after a meeting with the complainant.
- Sheffield Springs Academy must nominate a member of staff to have responsibility for the operation and management of the academy's complaints procedures. This person is referred to as the 'Complaints Coordinator'.

The complaints procedure must:

- Explain how a concern or a complaint can be made and to whom;
- set out the importance of being able to deal with concerns at an early stage and using informal processes;
- set out clearly the stages to be used in dealing with a complaint and the way the complaint will be investigated and recorded;
- Set out clear timetables for the management of the complaint.

The complaints procedure has three stages:

Stage one: informal complaint

Stage two: formal complaint heard by the Headteacher;

Stage three: complaint heard by LGB's Complaints Appeal Panel.

For each complaint being dealt with as a formal complaint (stage 2), a person should be appointed to investigate the complaint; this may be the Complaints Coordinator.

In carrying out an investigation, it is recommended that the investigator should:

- Acknowledge the complaint has been received, by telephone if possible.
- 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 against whom the complaint has been made; allowing them to be accompanied if they wish.
- Conduct the interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of the interviews.

At each stage in the procedure Sheffield Springs Academy will want to 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 should not recur;
- an explanation of the steps that have been taken to ensure that it should not happen again;
- an undertaking to review policies in light of the complaint.

Complaints need to be considered and resolved as quickly and efficiently as possible. The formal complaints procedure must set realistic time limits for each action within each stage. 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.

There is a legal requirement for the formal complaints procedure to be publicised. Sheffield Springs Academy undertakes this responsibility as follows:

- information given to new parents when their children join the academy;
- on the academy website;
- copies of the policy including the form on which a complaint can be made available at the school reception.

3. Recording and Record Keeping

- A complaint may be made in person, by telephone or in writing and details of each should be noted carefully. An example of a complaint form can be found at Appendix 3.
- A written record of all complaints will be kept made in accordance with sub paragraph (e) of Part 7 of the Education (Independent School Standards) Regulations 2014. These records to also record whether the complaint was resolved following a formal procedure, or progression to a panel hearing.
- Where the complaint proceeds to a panel, a copy of the panel's findings and recommendations must be provided to the complainant and, where relevant the person complained about.
- The Complaints Coordinator must keep all correspondence, statements and records of individual complaints confidentially except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- A record will be maintained of any action taken as a result of a complaint (regardless of whether they are upheld).
- The Complaints Coordinator should prepare a brief annual report for the LGB stating the number of complaints received, their nature and outcome.
- Records of panel findings and recommendations must also be made available for inspection on the school premises by United Learning the proprietor, the Executive Principal and the Headteacher.
- Records should be archived for 1 year and for longer in exceptional circumstances.

4. Appeals

- The appeals process is stage 3 of the complaints procedure. The decision of the Appeals Panel is final.
- Were the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant the person complained about.
- There may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. Escalation may be made to United Learning Trust Central Office where this will be picked up by a designated officer.
- The complaints procedure cannot be used to replace, or in addition to, other appeals processes where those exist.
- Any issues around the handling of the complaint can be referred to the ESFA; the school can provide the website link in this instance.

5. Dealing with Complaints and School Improvement

The process of listening to and resolving complaints should contribute to academy improvement. When individual complaints are heard, Sheffield Springs Academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the senior team and LGB can be a useful tool in evaluating academy performance.

Appendix 1: Sheffield Springs Academy Complaints Procedure

Stage 1: Informal Complaint

It is recognised that parents will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their son or daughter. Parents are encouraged to make those concerns known to staff so that they can be addressed in partnership with Sheffield Springs Academy. Almost invariably, the sooner such concerns are raised the easier it is for an appropriate resolution to be found.

A concern or complaint may be raised with any member of staff. In Sheffield Springs Academy this would normally be your child's form tutor. That person will try and resolve the matter or will refer you to the appropriate person. The member of staff will make a written record of all concerns and complaints and the date on which they were received. This information will be e-mailed to the Complaints Coordinator.

If this does not provide a satisfactory outcome, then an informal complaint should be made to the Headteacher with a view to resolving the issue informally before moving to the formal stage.

If the concern is regarding the Headteacher, then an informal complaint can be made to the Executive Principal or the Chair of the Local Governing Body (LGB). Informal concerns about the Executive Principal can be made to the Chair of the LGB.

Stage Two: Formal Complaint

If you need to make a formal complaint it should be in writing and sent to the Headteacher. However, if you have difficulty in putting your complaint in writing, you can ask to make an appointment with the Headteacher or the Complaints Coordinator who will help you do that and agree with you a written summary of the issues before proceeding. Contact details of the Complaints Coordinator can be obtained from the main reception. In cases where a written complaint is received which is not sufficiently clear, the school reserves the right to seek further clarification from the parent before considering the complaint at Stage 2.

If the complaint relates directly to the actions of the Headteacher, the formal letter/form should be directed to the Executive Principal. Complaints about the Executive Principal should be made to the Chair of the LGB.

The Headteacher will decide the best person to investigate the complaint. It would be helpful if you could indicate if there is someone with whom you might have difficulty discussing the complaint so that your views can be respected. Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the Headteacher may consider referring you to another staff member. The member of staff may be more senior, but does not have to be.

The School will acknowledge the complaint within 5 school days of receipt. United Learning expects a full and fair investigation of the issue to be undertaken and no one penalised for making a complaint in good faith. In most instances, there will need to be an investigation in order to understand the circumstances surrounding the complaint. Complainants will be given a full written response to their complaint usually within 10 school days of the acknowledgement of receipt, as well as information about how to appeal if the complainant wishes to.

Appendix 2: Sheffield Springs Academy Appeals Procedure

Where a complainant is not satisfied with the response to their formal complaint at Stage 2, they may ask for it to be heard by the Local Governing Body Complaints Appeal Panel. This is Stage 3 of the complaints process.

The complainant is required to put their complaint in writing to the Chair of the LGB or to the Complaints Coordinator marked for the Chair. It is important that the complainant should set the matter out in sufficient detail. It is an expectation that the appeal request is made within 10 school days of receiving the written response at Stage 2.

On receiving a written complaint under the appeals procedure, a hearing by an appeals panel will take place usually within 15 school days of an appeal being requested.

The complainant may attend the hearing in person and may be accompanied if they so wish; in which case they are required to notify the nominated Clerk of the name and occupation of such a person.

The Composition of the Appeals Panel

- Care must be taken not to involve the whole LGB as this could compromise the impartiality of any panel that may be required for a disciplinary hearing against a member of staff following a serious complaint.
- The panel would normally consist of at least three people not directly involved in the matters detailed in the complaint. One of whom must be independent of the management and running of Sheffield Springs Academy. The panel cannot be made up solely of LGB members due to their links with the management of the academy.

The Role of the Appeals Panel

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between Sheffield Springs Academy 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 that will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcoming as possible. Care is needed to ensure the setting is informal and not adversarial. Extra care needs to be taken when the complainant is a child.
- The panel may:
 - 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 Sheffield Springs Academy's systems or procedures to ensure that problems of a similar nature do not recur.

Roles and Responsibilities

- It is strongly recommended that a clerk be appointed who would be the contact point for the complainant and be required to:
 - Set the date, time and venue of the hearing, ensuring that the dates are convenient or acceptable to all parties and that the venue and proceedings are accessible;
 - invite both the complainant and the Headteacher to put their position in writing for the panel to consider;
 - collate any written material and send it to the parties in advance of the hearing;
 - record the proceedings;
 - notify all parties of the panel's decision.
- 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;
 - Written material is seen by all parties;
 - Key findings of fact are made and each side is given the opportunity to state their case and ask questions;
 - 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.

Notification of the Panel's Findings and Recommendations

- The Chair of the panel needs to ensure that the LGB, the Executive Principal and the Complainant are notified of the panel's findings and recommendations, in writing, with the panel's response usually within 10 school days after the panel hearing.

End of formal process

United Learning recognises there may be very rare occasions when the complainant feels that the individual school and the LGB have failed to appropriately address their complaint and that they must escalate it beyond the LGB. They can do this by contacting United Learning's Central Office where the complaint will be picked up by a designated representative who will investigate and respond to the concern.

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What actions do you feel might resolve the problem at this stage?
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Are you attaching any paperwork? If so, please give details.

Signature:

Date: