

## Complaints

### POLICY STATEMENT

- The school prides itself on the quality of the teaching and support provided to its Pupils.
- We appreciate all feedback and strive to improve the quality of education and facilities we provide. Feedback is welcomed from those directly connected to the school (i.e., Pupils, families, and professionals) but also the wider community including our neighbours or indeed previous Pupils.
- We aim to resolve any concerns that are raised as quickly and as informally as possible to the satisfaction of all. Formal complaints will always follow the complaints procedure and are taken very seriously by the school and wider Phoenix organisation and will be processed in accordance with this procedure.
- Article 12 of the UN Convention on the Rights of the Child says that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.
- Article 29 of the UN Convention on the Rights of the Child states ‘I have the right to an education which develops my personality, respect for others’ rights and the environment.

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# 1. Scope

## 1.1 General Principles of Dealing with Complaints

1.1.1 Formal complaint procedures should be invoked when initial attempts to resolve an issue are unsuccessful and the individual raising the concern remains dissatisfied and wishes to take the matter further.

1.1.2 The responsibility for the operation and management of the school complaints procedure, sits with the Headteacher unless the complaint is related to the Headteacher in this case a member of the Education Operations Team or Operations Director for Education will take on the responsibility.

## 1.2 Framework of Principles

1.2.1 The Complaints procedure strives to:

- Encourage resolution by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial with respect to the duty of candour.
- Allow swift handling with established time limits for action and keeping people informed of progress.
- Ensure a full and fair investigation which will include at least one person that is independent of the management and running of the school.
- Respect an individual's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate resolution where required.
- Provide information to the school's senior management team so that services and education can be improved.

## 2. Procedure

### 2.1 Investigating Complaints

2.1.1 The following is considered best practice in ensuring that the individual investigating a complaint adequately covers every aspect of the concern.

- Establish what has happened so far and who has been involved.
- Clarify if the complaint is formal or informal.
- Clarify the nature of the complaints and what remains unresolved.
- Contact the complainant and potentially meet with them – especially if the investigator is unsure of any information or if further details are required.
- Clarify what the complainant requires to put things right.
- Interview those parties involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct an interview with an open mind and be prepared to persist in questioning.
- Keep notes of the interview or arrange for an independent note taker to record the minutes of the meeting.

### 2.2 Resolution of Complaints

2.2.1 At each stage of the process an open mind should be kept in which a complaint can be resolved. It is sometimes sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it might be appropriate to offer one or more of the following;

- An apology
- An explanation
- An admission of how the situation could have been handled differently or better.
- An assurance that the event complained of will not occur again including an explanation of the steps taken to improve practices.
- An undertaking to review policies, where applicable, considering the complaint.

### 2.3 School Complaints Procedure

2.3.1 Each Parent, Carer, Guardian, Pupil, or any other person has the right to make representations by way of comments, compliments, or complaints. This procedure is designed to be used for both informal and formal complaints.

- 2.3.2 If during the investigative stage (or any other stage) it is felt or required that external agencies should be involved, including the police and Local Authority Designated Officer (LADO), the matter will be referred without delay and these agencies offered every assistance. The complaints procedure may need to be paused at this point and safeguarding processes initiated.
- 2.3.3 If a complaint is made a record is maintained on Databridge. Information recorded includes the:
- Log number
  - Date
  - Name of the complainant
  - Type of complaint
  - Complainants' relationship to the school
  - Lead manager
  - Date completed.
  - Outcome
  - Complainant's view following the outcome.
  - If the appeals process has been initiated
  - Lead manager of the appeal
  - Date that the appeal is completed.
  - Outcome of the appeal
- 2.3.4 Details will be kept whether they were resolved at the preliminary stage, or whether they proceeded to an appeal or referred to an external process.
- 2.3.5 All correspondence, statements and records of complaints are to be kept confidential.
- 2.3.6 Each complainant has access to the following procedures:
- The school complaints procedure and the services of an independent representative/advocate (A person that is independent of the management and running of the school).
  - The complaints procedure of the applicable local authority
  - Organisations representing the interests of children. (e.g., Childline or Coram Voice)
- 2.3.7 Any person who is the subject of a formal complaint is precluded from taking any part in the investigation other than as a witness.

- 2.3.8 Any Pupil or Parent supporting in meetings to establish facts may be accompanied if they wish.
- 2.3.9 It is explicit within this procedure that any reprisals against a Pupil will not be tolerated and will be an act of gross misconduct.
- 2.3.10 This procedure is designed to allow a complaint to be fully addressed and where possible without delay. The complaint will be responded to within a maximum of 28 days. The complainant will be kept informed throughout the process. The complainant and/or Parents have the right to be accompanied to any scheduled outcome hearing if they wish.
- 2.3.11 The complaints procedure consists of three main stages and a formal appeal process:

#### **2.4 First stage – Informal – Complaint Heard by a Team Member**

- 2.4.1 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.
- 2.4.2 Team Members will endeavour to deal with the matter of concern in an informal manner as soon as possible after receiving the complaint, helping the complainant to negotiate a positive outcome. Where the complainant indicates, or due to the nature of the complaint, it would be inappropriate for the individual Team Member to discuss it then the complaint should be handled by another Team Member or the Headteacher. Where appropriate the complainant can be referred to the Education Operations Leadership Team.
- 2.4.3 Similarly, if the individual Team Member considers that they are compromised in handling the initial complaint the complainant should be referred to another Team Member based on their ability to consider the complaint objectively and impartially.
- 2.4.4 If the first approach is made to the Education Operations Leadership Team by the complainant, the team should refer the complainant to the appropriate person and advise the complainant about the procedure. The Education Operations Leadership Team should refrain from acting unilaterally on an individual complaint outside the formal procedure or be involved at early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **2.5 Second stage – Formal Written Complaint**

- 2.5.1 If the complaint could not be resolved at Stage one, then the complaint will be heard by the Headteacher.
- 2.5.2 It is helpful at this stage if the Complaint can be put in writing (Annex A). The Pupil, Parent or guardian will be helped if necessary to put in writing details of their concern.
- 2.5.3 As this written concern is now considered a formal complaint it will be acknowledged by the Headteacher within 24 hours of receipt (accepting that this may be impacted upon by weekend/holiday periods).
- 2.5.4 The Headteacher will then follow the complaints process flowchart as outlined in (Annex B). The Headteacher may delegate the task of collating any information required to consider the response to the Complaint but not the decision, or action to be taken.

2.5.5 If the complaint is about the Headteacher, the Pupil, Parent, Carer, or guardian should address their written complaint straight to the Regional Education Lead: Greg Regan. gregan@phoenixschools.org.uk

## **2.6 Third Stage – Appeals Process Following the Conclusion of a Formal Complaint**

2.6.1 If the complainant is not satisfied with the response from the Headteacher, the complainant should write to the Regional Education Lead, Greg Regan. gregan@phoenixschools.org.uk to request that their complaint is further considered.

## **2.7 Fourth Stage – Complaint Heard by the Operations Director for Education (Group Leadership Team)**

2.7.1 If the complainant is not satisfied with the outcome supported by the Regional Education Lead, they should write to the Operations Director for Education, giving details of the complaint and asking that it is further reviewed. If the Operations Director for Education has been involved at any previous stage in the process, an alternative nominated Member of Group Leadership Team may be allocated in their place.

2.7.2 The Stage 4 - appeal hearing is the last school-based stage of the Complaints process and must look objectively at the Complaint and previous attempts to resolve it during Stages 1, 2 and 3 of the Complaints process.

2.7.3 The Operations Director for Education will lead on the appeal hearing but may choose to nominate a number of senior colleagues with delegated powers to hear complaints at Stage 4 and set-out any terms of reference which may include:

- Drawing up procedures
- Hearing individual appeals
- Making policy recommendations because of complaints

2.7.4 The Operations Director for Education may also choose to convene a panel to assist them with reaching an outcome. Where this is the case, the panel will consist of at least one person who is independent of the management and running of the school. The independent person may equally be requested to attend a formal panel hearing meeting.

2.7.5 Any Parent, Carer, guardian, or Pupil requested to also attend a panel hearing meeting may be accompanied if required.

2.7.6 During such occasions, the panel will attempt to obtain an outcome within 28 days. (Annex C) If the complaint is received out of term time or over the weekend the initial timescales may be extended, however once the complaint has been received and acknowledged the process will continue and communication will be maintained to update the complainant of the associated time scales.

2.7.7 The Operations Director for Education will record their findings and make any necessary recommendations. The complainant, Headteacher, and Proprietor (where relevant) will be given a copy of any findings and recommendations. This will be stored securely together with supporting evidence in accordance with Data Protection Policy.

### 3. Complaints Appeal Hearing/Panel

#### 3.1 Remit

3.1.1 The hearing may result in:

- Dismissal of 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 problems of a similar nature do not recur.

3.1.2 All individuals sitting on the Complaints panel should remember;

- The importance that the appeal hearing is independent and impartial and seen to be so. No person 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, the Operations Director for Education will need to strive to ensure that a cross section of people that ensures the sensitivities of race, gender, and religious affiliation.
- That the aim of the hearing, which must always be held in private, will always be to resolve the complaint and achieve reconciliation between the school and complainant. It should be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in the complainant's favour. It may only be possible to establish the facts and make recommendations which will satisfy the complaint that their complaint has been taken seriously.
- An effective hearing will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents, Carers, guardians might feel emotional when discussing issues that affect their child. The Operations Director for Education (panel hearing 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 supportive and not adversarial.
- Extra care needs to be taken when the complaint is a Pupil. Careful consideration of the atmosphere and proceedings will ensure that the Pupil does not feel intimidated. The panel needs to be aware of the views of the Pupil and give them equal consideration to those of an adult. Where the Pupil'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 Pupil needs to attend.
- The individuals sitting on the panel need to be fully aware of the agreed Complaints procedure.



## **4. Roles and Responsibility During a Panel Hearing**

### **4.1 The Role of the Clerk/Coordinator**

- 4.1.1 Any panel hearing should have a clerk/coordinator assigned; their role would be;
- Arrange the date, time, and location of the hearing ensuring that the venue and proceedings are accessible.
  - Collate any written material and send to the parties in advance of the hearing (recommended at least five school days in advance)
  - Meet and welcome the parties as they arrive at the hearing.
  - Record the proceedings.
  - Notify the parties of the panel's decision.
- 4.1.2 Best practice, the clerk/coordinator should provide copies of the panel meetings with all parties involved providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is possible complainants may raise additional complaints because they do not agree with the record of the meeting.

### **4.2 The Role of the Operations Director (or Nominated Alternative GLT Member)**

- 4.2.1 Ensure that the correct procedure has been followed.
- 4.2.2 Ensure that if a hearing is requested, notify the clerk/coordinator to arrange the panel.
- 4.2.3 Strive to achieve an appropriate outcome to the concerns raised.
- 4.2.4 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.
- 4.2.5 Ensure that the issues are addressed.
- 4.2.6 Ensure the key findings of fact are made clear.
- 4.2.7 Ensure that Parents and others who may not be used to speaking at such a hearing are put at ease.
- 4.2.8 Ensure that the hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- 4.2.9 Ensure that no invited member of the panel has a vested interest in the outcome of proceedings or any involvement in an earlier stage of the procedure.
- 4.2.10 Ensure that each side is given the opportunity to state their case and ask questions.
- 4.2.11 Ensure that 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.

### **4.3 Notification of the Final Appeal Decision**

- 4.3.1 The Operations Director for Education (Chair of the Panel) will ensure that the complainant is notified of the outcome decision, in writing, including the reasons for the decision.

- 4.3.2 If the matter remains unresolved the young person, Parent or guardian will be referred to the placing authority for consideration through their complaint's procedure.
- 4.3.3 Annex A illustrates a format that a complainant may wish to use to raise their complaint.

## 5. Annex A: Complaint Form

5.1.1 Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Complaint Form			
Your Name:	<input type="text"/>	Date:	<input type="text"/>
Young Person's Name:			
<input type="text"/>			
Your relationship to the Pupil or the school:			
<input type="text"/>			
Address:			
<input type="text"/>			
Day time telephone number:		<input type="text"/>	
Evening telephone number:		<input type="text"/>	
Nature of the Complaint:			
<input type="text"/>			
What action, if any, have you already taken to try and resolve your complaint: (Dates, Who did you speak to and what was the response?)			
<input type="text"/>			



## 6. Annex B: 28-Day Complaints Procedure

6.1.1 The school will follow the complaints process set out below. Depending on the nature of the complaint these times scales may be completed sooner. If the complaint is received out of term time or over the weekend the initial timescales may be extended, however once the complaint has been received and acknowledged the process will continue and communication will be maintained to update the complainant of the associated time scales.

Time frame from the complaint being submitted	Actions
24 hours	<ul style="list-style-type: none"> <li>Complaint will be acknowledged (via email)</li> </ul>
48 hours	<ul style="list-style-type: none"> <li>Complaint will be reviewed.</li> <li>Lead manager for the complaint will be identified</li> </ul>
By day 3	<ul style="list-style-type: none"> <li>Lead manager will contact complainant to discuss process and establish if the complainant wishes this to be an informal or formal process.</li> <li>Regional Education Lead and Operations Director for Education will be informed of the complaint.</li> <li>Lead manager will update complaints tracking document</li> </ul>
By day 7	<ul style="list-style-type: none"> <li>Initial plan for establishing facts will be completed.</li> <li>All required notifications will be completed</li> </ul>
By day 14	<ul style="list-style-type: none"> <li>All meetings to establish facts will be completed</li> </ul>
By day 21	<ul style="list-style-type: none"> <li>Review of all investigations</li> <li>Lessons learnt established.</li> <li>Outcome to be shared with Operations Director for Education</li> </ul>
By day 28	<ul style="list-style-type: none"> <li>Outcome of complaint sent to complainant.</li> <li>Process for appeals to be sent to complainant</li> </ul>

## 7. Annex C: Appeals Process

7.1.1 The school will follow the appeals process set out below. Depending on the nature of the complaint these times scales may be completed sooner. If the complaint is received out of term time or over the weekend the initial timescales may be extended, however once the complaint has been received and acknowledged the process will continue and communication will be maintained to update the complainant of the associated time scales.

Time frame from the appeals being submitted	Actions
24 hours	<ul style="list-style-type: none"> <li>• Appeal will be acknowledged (via email)</li> </ul>
48 hours	<ul style="list-style-type: none"> <li>• Appeal will be reviewed.</li> <li>• Lead manager for the Appeal will be identified</li> </ul>
By day 3	<ul style="list-style-type: none"> <li>• Appeal Lead manager will contact complainant to discuss process.</li> <li>• Operations Director for Education will be informed of the Appeal.</li> <li>• Operations Director for Education will appoint at least one person that is independent of the management and running of the school to join the appeal panel.</li> <li>• Lead manager will update complaints tracking document to reflect that the complaint has been referred to the appeals process</li> </ul>
By day 10	<ul style="list-style-type: none"> <li>• Review of the complaint and supplementary documentation from initial meetings will be completed</li> </ul>
By day 14	<ul style="list-style-type: none"> <li>• All further meetings to establish information will be completed</li> </ul>
By day 21	<ul style="list-style-type: none"> <li>• Review of all additional investigations</li> <li>• Lessons learnt established.</li> <li>• Outcome to be shared with Operations Director for Education</li> </ul>
By day 28	<ul style="list-style-type: none"> <li>• Outcome of Appeal sent to complainant.</li> <li>• Process for further appeals to be sent to complainant</li> </ul>

