

BARNSELEY ACADEMY

COMPLAINTS PROCEDURE



Barnsley Academy
The best in everyone

It is intended that this document is read in conjunction with the United Learning Trust overarching policy document '*ULT Dealing with Complaints Policy*'

Introduction

ULT and its Academies aim to provide a service to parents in which there is a high quality of teaching, learning and pastoral care. It is recognised, however that there are times when this standard falls short and, as a consequence, needs to be addressed. Rarely complaints may be vexatious. This policy sets out the principles to be adopted by Barnsley Academy in its dealing with complaints.

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

Dealing with Complaints – Initial concerns

1. Barnsley Academy will, in the first instance establish whether the issue is a concern or a complaint. It will ensure that informal concerns are taken seriously at the earliest stage thus reducing the number that may develop into formal complaints.
2. Concerns will be handled, if at all possible, without the need for formal procedures. The senior member of staff, responsible for the response to a concern or a complaint, will be the person who will respond, in the first instance. This may result in informal meetings and, where necessary, apologies from the Academy.

Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
4. At Barnsley Academy the Principal's PA Lynn Wadsworth has responsibility for the operation and management of the Academy complaints procedure (the Complaints Co-ordinator). All staff will be made aware of this.

Framework of Principles

5. Barnsley Academy's Complaints Procedure will:
- encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - be simple to understand and use;
 - be impartial;
 - be non-adversarial;
 - allow swift handling with established time-limits for action and keeping people informed of the progress;
 - ensure a full and fair investigation by an independent person where necessary;
 - respect people's desire for confidentiality;
 - address all the points at issue and provide an effective response and appropriate redress, where necessary;
 - provide information to the Academy's senior management team so that services can be improved.

Investigating Complaints

6. The Senior member of staff investigating the complaint (the Complaints Co-ordinator), will:
- 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;
 - keep notes of the interview.

Resolving Complaints

7. At each stage in the procedure Barnsley 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 will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Barnsley Academy's policies in light of the complaint.

8. 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.

9. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

10. It is envisaged that the complaints procedure will 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 Governing Body should inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

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

The Formal Complaints Procedure

The Stages of Complaints

12. The three stages of complaint for Barnsley Academy will be:
- Stage one: complaint heard by the senior member of staff member (though not the subject of the complaint);
 - Stage two: complaint heard by the Principal;
 - Stage three: complaint heard by Governing Body's complaints appeal panel;
13. The procedure specifies how a complaint will be dealt with if it concerns the conduct of the Principal or a governor or where the Principal or a governor has been involved in the issue previously.
14. The complaints procedure can be found in Annex B

Managing and Recording Complaints

Recording Complaints

15. Barnsley Academy will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

16. The Complaints Co-ordinator will be responsible for the records and hold them centrally.

17. All correspondence, and statements and records of complaint will be kept confidential and be available to HMI when they inspect. Copies must also be made available to the Registration Authority on request.

Governing Body Review

18. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

19. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, Barnsley Academy will identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Body will be used as a useful tool in evaluating the Academy's performance.

Publicising the Procedure

20. There is a legal requirement for the Complaints Procedure to be publicised. The Governing Body will decide how to fulfil this requirement. It is suggested that details of the Complaints Procedure be included in:

- the Academy prospectus;
- the governors' report to parents;
- the information given to new parents when their children join the Academy;
- the information given to the pupils themselves;
- any home-Academy agreement;
- home Academy bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the Academy that will be used by the public, such as reception or the main entrance;
- the Academy's website.

Legal requirement

Section 157 of the Education Act 2002 requires, in terms of independent school standards, that:

Regulations shall prescribe standards about the manner in which independent schools handle complaints.

The Education (Independent School Standards) (England) Regulations 2003 which came into force on 1st September 2003 require in paragraph 6 that:

A school shall provide to parents of pupils and prospective pupils and on request to others, including the Chief Inspector and the Secretary of State, details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year.

Barnsley Academy Complaints Procedure

Informal Resolution

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/carers are encouraged to make those concerns known to staff in Barnsley Academy so that they can be addressed in partnership with the 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 Barnsley Academy this would normally be your child's Personal 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 the complaints, and the date on which they were received. If the matter cannot be resolved within 3 school days or in the event that you are not satisfied, you will be advised to proceed to make a formal complaint to the Complaints Co-ordinator (whose name is available from the Academy Administration Office) If the complaint concerns the Principal, the Complaints Co-ordinator will normally refer you to the Chairman of the Governing Body (LGB)

Stage One: Complaint Heard by Staff Member

If you need to make a formal complaint it should be in writing and sent to the Complaints Co-ordinator. If you have difficulty in putting your complaint in writing, you are asked to make an appointment with the Complaints Co-ordinator who will help you do that.

The Complaints Co-ordinator will decide the best person to hear 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 are respected.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the Complaints Co-ordinator may consider referring you to another member of staff. The member of staff may be more senior but does not have to be.

In most instances, there will need to be an investigation in order to understand the circumstances surrounding the complaint. That investigation will normally be undertaken by the Complaints Co-ordinator.

If the matter cannot be resolved within 5 school days following the receipt of the written complaint or in the event that you are not satisfied, you will be advised to take your complaint to the second stage of the procedure.

The Complaints Co-ordinator will make a written record of the complaint, the date on which it was received, the date on which the matter was dealt with and the outcome of the procedure. You will receive a copy of this written record within reasonable time of this process.

Stage Two: Complaint Heard by Principal

If you are not satisfied with the outcome of Stage 1, if you feel that your complaint is sufficiently serious or if you are dissatisfied with the way your complaint has been handled, you may take your complaint to Stage 2 of this procedure.

You should put your complaint in writing to the Principal. If you have difficulty in doing that you may ask for assistance from the Complaints Co-ordinator.

The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The decision in respect of this complaint will normally be made within 5 school days of the Principal receiving the complaint. If the Principal feels that it is necessary, within reason, to ask for additional time, you will be informed.

Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel

The complainant should be directed to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the management and running of the Academy.

The governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

THE GOVERNING BODY COMPLAINTS APPEAL PANEL

The Governing Body will nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These should include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals are part of the Academy's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of The Complaints Appeal Panel

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 Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints 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 governor 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, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- 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 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.
- 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, and may choose to be accompanied. The panel 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 informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child'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 child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

It is strongly recommended that any panel or group of governors considering complaints be clerked. The Clerk 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 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 Governing Body or the Nominated Governor

The Nominated Governor role:

- check that the correct procedure has been followed;
- 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 or 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. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

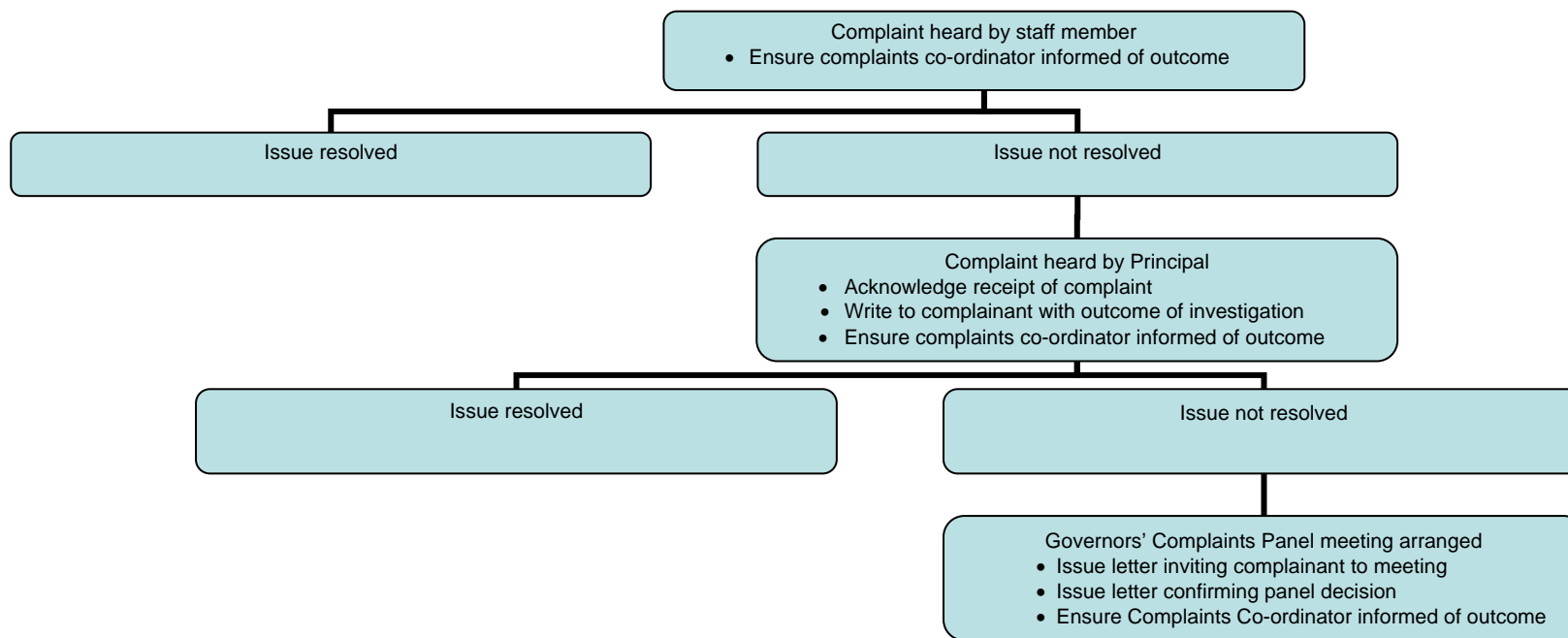
Checklist for a Panel Hearing

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.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the principal 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 Principal is then invited to sum up the Academy'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.

Flowchart

Summary of Dealing with Complaints



COMPLAINTS FORM

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

Your name:

Pupil's name:

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: