

Complaints Policy

Draft

MARINE ACADEMY PLYMOUTH POLICIES

VERSION CONTROL SHEET

POLICY NAME: Complaints Policy

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Document date	Filename	Mtg submitted	Summary of changes required
Sep 2010		July PSG	New policy
Sep 11			No change
Sep 12			No change
29/4/15		Personnel	Minor formatting changes plus 3 appeals process
May 2018		Employment Committee	Significant updates following ESFA feedback

Introduction

- 1.1. This Policy sets out the Framework for how complaints are managed within the campus at Marine Academy Plymouth. The school reserves the right to alter this process, in exceptional circumstances.
- 1.2. The complaints procedure is for parents, carers and members of the public to use to make complaints about any aspect of Marine Academy Plymouth. It is expected that the concern or complaint will be directed to the area the concern or complaint relates to.
- 1.3. Within our school, we value our relationship with parents, carers and our local community. We are happy to receive suggestions and comments on what goes on within the Academy. This can help us to identify areas of success and where we can make improvements. We believe it is important that anyone who raises a concern is treated seriously and that their concerns and complaints are dealt with promptly, courteously and fairly.
- 1.4. People are encouraged to make their concerns known to staff in the Academy so that they can be addressed in partnership. Usually, concerns can be dealt with informally and can be resolved satisfactorily through discussion. Occasionally, a concern cannot be resolved in this way and it may become a complaint.
- 1.5. When someone raises an issue, it may be easily resolved by the person contacted. Sometimes, this will not be possible and they will refer the matter to someone else. Before doing so, some details will be recorded about the concern and the person raising it (name, nature of the concern, date, contact address or phone number). An idea will be given of when a response can be expected. The day to day running of the school is the Head teacher's/Principals responsibility, so all concerns about this will be referred to the Head teacher/Principal.
- 1.6. Every effort will be made to resolve the matter informally. However, if this is not possible the person may wish to take the matter further. The person should be given clear information about how to proceed along with a copy of this procedure.

Definition

Marine Academy Plymouth

2.1. For the purpose of this document:

- a. Marine Academy Plymouth, Marine Academy Primary, Marine Academy Nursery is referred to as The Academy;
- b. Pupils or Students refers to all pupils or students being educated by Marine Academy Plymouth, Marine Academy Primary and Marine Academy Nursery.

Legal Framework

3.1. It is a requirement of the Education (Independent School Standards) Regulations 2010 that a compliant procedure is in place

Receiving Complaints by Phone or in Person

- 4.1. If a telephone call is received or a person arrives at the Academy with a concern, or complaint, the member of staff will:
 - a. Make a note of the caller information, brief details of the complaint and clarification as to who the caller wishes to speak to.
 - b. The person will be passed to an appropriate member of staff who can assist, or will be assured that they will be contacted back within 24 hours.
 - c. The form at Appendix B will be completed by the member of staff who initially received the complaint and emailed to the Head teacher's PA, who will ensure the complaint or concern is passed onto the appropriate person.

Receiving Complaints in Writing

5.1. If a complaint is received in writing, this will be passed onto the Headteacher/Principal, who will ensure the complaint or concern is passed onto the person who will then resolve the complaint in accordance with this policy.

Investigating Complaints

6.1. The aim is to address concerns, wherever possible without the need for formal procedures and whilst this policy outlines the complaints procedure, it does not in any way undermine efforts to resolve concerns informally. Formal procedures are invoked when initial attempts to resolve a concern have been unsuccessful and the complainant has communicated that they wish to take the matter further.

6.2. When investigating a concern or a complaint the aim is to:

- a. Seek to establish what has happened and who has been involved.
 - b. Clarify the nature of the complaint and what remains unresolved.
 - c. Speak to the complainant or contact them if further information is required.
 - d. Clarify what the complainant feels would put things right.
 - e. Interview those involved in the matter (at the formal stage those being interviewed may be accompanied).
 - f. Conduct any interviews with an open mind but be prepared to persist in the questioning.
 - g. Keep notes of the interview and include a clear chronology of events.
- 6.3. At every stage of the procedure, the ways in which a complaint can be resolved is at the forefront; and it is understood that it may be sufficient to acknowledge that the complaint is valid in whole or in part and, as a result, is appropriate to offer one or more of the following:
- a. An apology;
 - b. An explanation;
 - c. An admission that the situation could have been handled differently or better;
 - d. An assurance that actions have been taken to prevent recurrence of the subject of the complaint;
 - e. An explanation of the steps that have been taken to prevent recurrence of the subject of the complaint;
 - f. An undertaking to review any relevant policies in the light of the complaint.
- 6.4. Following an investigation of events sometimes no clear conclusion may be drawn. We accept that this may be frustrating for all parties concerned.
- 6.5. If following investigation, the complaint is considered to be vexatious the complainant will be informed in writing and no further action will be considered.

Complaints Procedure

7.1. The complaints procedure follows a three stage complaints process, which is detailed below. The process diagram can be found at Appendix A and relevant forms can be found at Appendix B & C.

7.2. Concern or Informal Complaint

- a. It is in all parties' interest to resolve a complaint at the earliest possible stage. The aim will be to resolve the complaint and achieve reconciliation between the academy and the complainant.
- b. The concern or complaint will be heard by a member of staff within the academy who is not subject to or had any involvement with the subject matter. Consideration will be given to the views of the complainant if they feel they would have difficulty discussing the complaint with a particular member of staff, likewise if the member of staff feels compromised to deal with the complaint. If a complaint is made to a Local Governor it will be passed to the Head teacher/Principal, as the Local Governor may need to be involved at a later stage in the process.
- c. Complaints about the Head teacher/Principal will be referred to the Chair of Governors.
- d. Timescale - The aim is to resolve all informal complaints within ten working days.
- e. Un-resolved complaints - A complainant can put in a request for their complaint to be dealt with under the formal stage 1 of the complaints process, due to still being unresolved. For this to be considered, the complainant must submit this request in writing stating what they feel remains unresolved and confirmation on what they feel would put things right.
- f. A complaint can be escalated straight to stage 1 of the complaints procedure, by the academy if it has been initially assessed as needing investigation, or is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration
- g. Records - the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the complainant and the respondent.

7.3. Stage 1 – Formal Complaint

- a. An unresolved concern or informal complaint under Stage 1, or a complaint which needs investigation, or is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details.
- b. A formal complaint received will be passed on to the Headteacher/Principal for resolving, who will assign a member of staff to the role of investigating officer. In the case of a complaint against the Headteacher, the Chair of Governors may investigate the complaint themselves or assign it to an appropriate investigating officer.
- c. *The investigating officer collates the information, but will not make the decision on the outcome or the action to be taken.*

- d. The complaint will be acknowledged in writing, (which could include email), normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- e. The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases the investigating officer will meet or speak with the complainant to discuss the matter. Best practice guidance can be found at Appendix D.
- f. The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received within 15 working days of the end of term or half term may take longer to resolve.
- g. Written records will be kept of any meetings and interviews held in relation to the complaint.
- h. If a complainant is not satisfied with the outcome, there is an option for it to be escalated to stage 2. For this to be considered, the complainant must submit this request in writing stating what they feel remains unresolved and confirmation on what they feel would put things right.
- i. The investigating officer, Head teacher or Principal will escalate the complaint to stage 2 upon the written request of the complainant, because they are dissatisfied with the outcome of stage 1.

7.4. Stage 2 – Complaints Co-ordinator

- a. An unresolved complaint under Stage 1, that has been escalated by the investigating officer or the headteacher, should be set out in writing with full details and sent with all relevant documents and full contact details.
- b. Complaints received at this stage will be investigated by the Complaint's coordinator. This enables the complaint to be investigated by someone who is independent from the day to day running of the school. In most cases this will be the Director of Operations.
- c. The complaint will be acknowledged in writing, (which could include email), normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- d. The Complaints Co-ordinator may request additional information from the complainant and will fully investigate the issue and in most cases will meet or speak with the complainant to discuss the matter. Best practice guidance can be found at Appendix D.

- e. The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received within 15 working days of the end of term or half term may take longer to resolve.
- f. Written records will be kept of any meetings and interviews held in relation to the complaint.
- g. A report on any stage 2 complaints received and their outcome are reported to the Board of Trustees for monitoring purposes.
- h. If a complainant is not satisfied with the outcome, the complainant can put in a written request to enable it to be escalated to stage 3 and within 15 working days of the date of the decision made at Stage 2. This may be extended by a further 10 working days if any aspect requires further investigation, which will only be invoked in exceptional circumstances.

7.5. Stage 3 – Complaints Appeal Panel

- a. Where an appeal request from the complainant is received, the school will, within 5 working days, refer the matter to the Clerk to the Governing Body, who will act as Clerk to the Complaints Appeal Panel.
- b. For monitoring purposes, the Clerk to the Complaints Appeal Panel will notify the Chair of the Governors, that a request for a Complaints Appeal Panel has been received. They will be notified again, at the end of the process, informing them of the outcome.
- c. Within 3 working days of the clerk receiving the appeal, they will acknowledge, in writing, receipt of the appeal and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.
- d. The Clerk will aim to convene the Complaint Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request
- e. The Panel will consist of 2-4 Governors from the Governing Body of whom have not previously been involved in the complaint. In deciding the make-up of the Panel, there will be sensitivity to the issues of race, gender and religious affiliation. The Panel will select its own Chair.
- f. In addition to this, one member of the Complaints Appeal Panel will be independent from the management and running of the school. This could be a Governor from a neighbouring school, who is not part of the Trust, or a local business person.
- g. The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The complaint appeal panel chair will ensure that the

proceedings are as informal as possible. A checklist for a Complaint Appeal Panel hearing can be found at Appendix E.

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

i. Attendance at the Complaints Appeal Panel

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the complainant and an accompanying person (other than in exceptional circumstances, and with the agreement of the Panel, it is not appropriate for a legal representative to attend as the accompanying person)
- the Head teacher / Principal, the school complaints co-ordinator
- the Complaints Co-ordinator
- any other person who the Complaints Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

j. Evidence:

Evidence will be considered by the Panel along with the initial submission. All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- documents
- chronology and key dates
- written statements setting out further detail

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the Panel Hearing.

k. Roles and Responsibilities

The Role of the Clerk:

All panels considering complaints must 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 decisions

The Role of the Chair of Governors:

- 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 key issues are addressed;
 - key findings of fact are made;
 - complainants or 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.
- n. Decision - The Panel will aim to reach a decision, and make any recommendations within 10 working days of the hearing. If the Panel consider that further investigations are required prior to it reaching a decision, this timescale may be extended. The decision reached is final.
- o. Notification of the Panel's Decision - The Panel's findings will be sent, in writing, by the Clerk, to the complainant, the Head teacher/Principal and the Chair of the Governors and, where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.
- p. Record Keeping - The Chair of the Governors will keep a record of all appeals, decisions and recommendations of the Complaints Appeals Panels.

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7.6. The role of the Marine Academy Plymouth

It is the responsibility of the Marine Academy Plymouth to:

- a. ensure that the complaints procedure is fully compliant with the statutory requirements on Academies in accordance with the standards set out in Education (Independent (England) Regulations 2010 schedule 1, Part 7).c;
- b. Investigate complaints in relation to the Headteacher/Principal
- c. Investigate complaints received at Stage 2
- d. Monitor the complaints received and the corresponding outcomes for Stages 2 & 3;
- e. Keep a record of the complaints received and the corresponding outcomes for all Complaint Appeal Panel Hearings.

7.7. Exempt Complaints

The following are exempt complaints:

Complaints about matters outside of the Academy's control

This means a complaint about the activities of persons or organisations not under the direct control of the Trust (for example, complaints by one parent against another).

Complaints previously dealt with

This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

Complaints in relation to which other procedures exist

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Schools Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.)

Complaints by a Persistent Complainant

This means a complaint which is substantially different from complaints previously received, but is submitted by a complainant who may be considered unreasonably persistent.

A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as volume of

correspondence, the effect on the Academy's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint.

7.8. Unacceptable Behaviour

We will aim to deal fairly, honestly, consistently and appropriately with all complainants, including those who we consider to be persistent complainants. We believe that all complainants have the right to be heard, understood and respected. We also consider that our employees have the same rights.

The Academy reserves the right to conclude an investigation without further involvement from the complainant, or choose not to conclude an investigation, if the complainant's behaviour is deemed unacceptable, e.g. aggressive.

Where behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or pupils, we will consider reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

A complaint about the Academy, can be referred by a member of the public to the EFA.

7.9. The role of the EFA (Education Funding Agency) on behalf of the Secretary of State

If a complaint is referred to the EFA, the EFA will check whether the complaint has been dealt with properly by the Academy. The EFA will only consider complaints that fall into the following three areas:

- a. Where there is undue delay or the Academy did not comply with its own procedure when considering a complaint
- b. Where the Academy is in breach of its funding agreement with the Secretary of State
- c. Where the Academy has failed to comply with any other legal obligation.

It is unlikely that the EFA will overturn an Academy's decision about a complaint. However the EFA will request that the complaint is looked at again from the appropriate stage, if there has been a breach in its own complaints procedure. If the procedure does not meet the regulation the Academy will be required to rectify any aspects that do not meet the regulations.

Complaints should be sent to:

EFA via academy.questions@education.gsi.gov.uk

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7.10. The role of the (DfE) Department for Education

If a complainant is still dissatisfied with the way that their complaint has been handled they may contact the DfE online via the school complaints form or at the postal address below:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

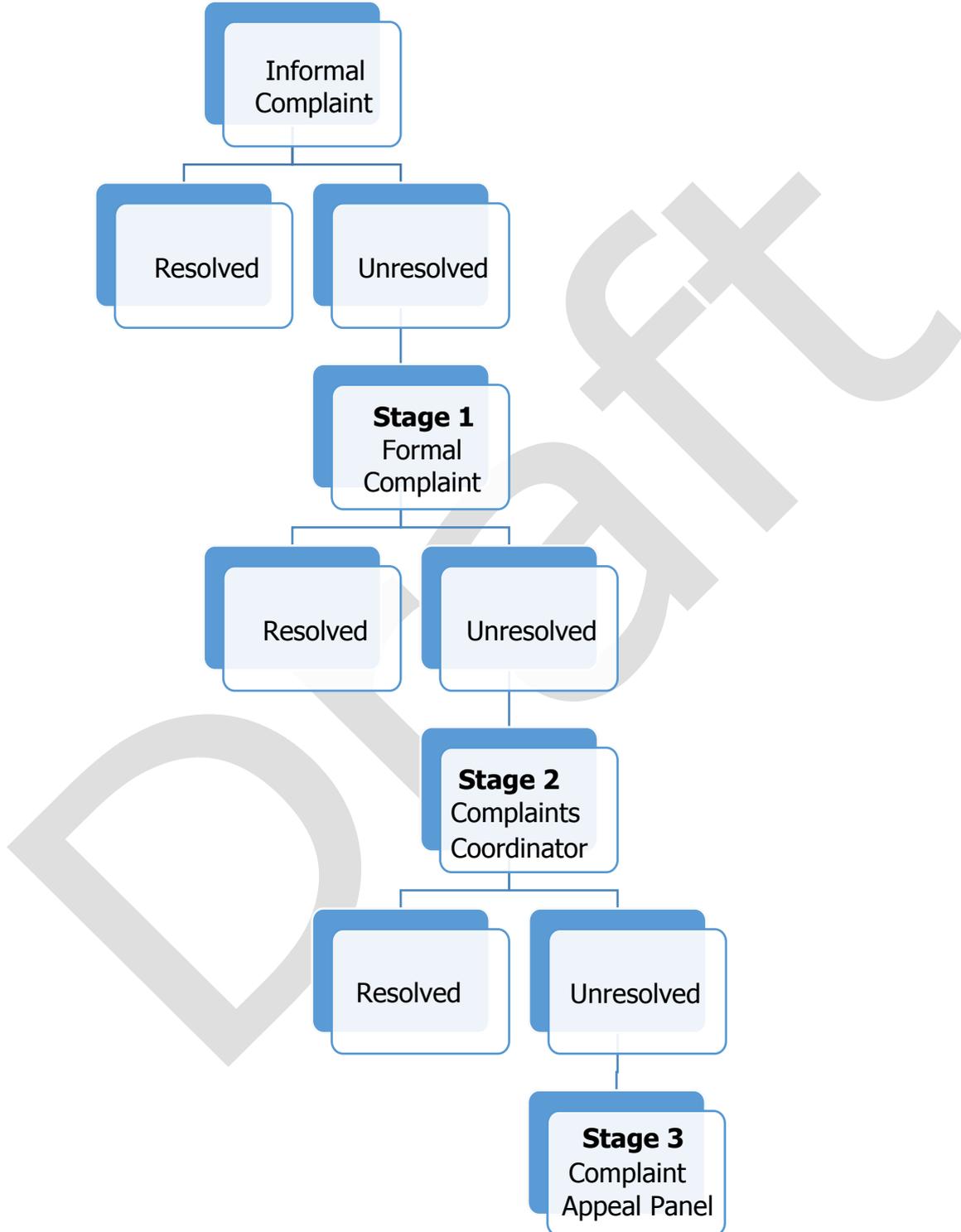
8. Policy Circulation

8.1. This Policy will be published on the website

8.2. The Governing Body are responsible for overseeing, reviewing and organising the revision of the Complaints Policy

Marine Academy Plymouth

Appendix A – Complaints Process Diagram



Appendix B –Complaint Form – In person/by Phone

		
Complaint form		
Name of the Academy/School:		
Name:	In person or by phone?:	Address:
Contact Numbers & Email:		Date & Time:
Complaint		
Details of the complaint:		
Complaint Recorded by:	Who the complainant wishes to speak to:	
Acknowledge that the person will be contacted within 24 hours		
Office Use:		
Who complaint has been passed on to:		
Date and time:		

Appendix C –Complaint Form – Post/Email

<p>Complaint form</p> 		
<p>Name of the Academy/School:</p>		
<p>Surname:</p>	<p>First Name:</p>	<p>Address:</p>
<p>Contact Numbers & Email:</p>		<p>If applicable – name of pupil and relationship to the pupil:</p>
<p>Complaint – to be completed by the complainant</p>		
<p>Details of the complaint:</p>		

Action already taken to resolve the complaint:

What actions do you feel will resolve the problem at this stage?

Details of additional information or evidence attached:	
Signature (Form sent by email is classified as the signature):	Date:
An acknowledgement of the complaint will be sent within 3 working days	
Office Use:	
Date acknowledgement sent:	
By:	

Appendix D – Good Practice for Investigators

The person investigating the complaint should:

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

General Points

- a. be aware of the timescale and the importance of providing a thorough investigation
- b. keep the person who commissioned the investigation and the complainant informed of progress
- c. maintain strict confidentiality
- c. consider the environment the investigations are conducted in – some places may be intimidating or distressing for children and young people in particular
- d. adhere to relevant conventions and legislation such as Data Protection Act, Health and Safety Act and the Human Rights Act
- e. check if there have been any previous complaints made by, or on behalf of, the person making the complaint

Getting Started

Contact the complainant, ideally by phone, to offer a meeting in person. This meeting should explain the investigation procedure and:

- a. allow the complainant to explain how s/he feels and express any strong emotions – s/he should feel as if his complaint has been accepted
- b. clarify the complaint and all its individual parts and produce a written record
- c. ask what the complainant wants in terms of solution or outcome
- d. check whether the complainant needs support of any kind, in order to understand the discussion properly
- e. determine whether the complainant needs support during the process e.g. an advocate

Read background on the complaint and any relevant legal and administrative policies and procedures

Consider whether the complaint could be resolved without further investigation

Planning the Investigation

- a. obtain all documentation needed including original versions of documents such as files, log books and timesheets
- b. produce a chronology of the sequence of events from the files and identify the names of the individuals most directly involved in the content of the complaint
- c. analyse and categorise the complaint into its different elements
- d. identify any gaps or discrepancies
- e. identify a list of interviewees and give them as much notice as possible of the intention to interview them. Supply them with relevant information on the complaint in advance of the interview, whilst maintaining any duty of confidentiality. Where a child is a potential witness, consider whether it is appropriate and absolutely necessary to interview them. In the rare circumstances where this is necessary, carefully consider the arrangements for the interview, including who should accompany the child
- f. arrange the order of interviews in a logical sequence as relevant to the particular complaint
- g. inform all those to be interviewed that they may be accompanied by a friend or trades union representative, provided that this person is not within normal line management arrangements with the interviewee and that there are no issues of confidentiality.
- h. consider whether a witness is needed for interviews which may be particularly difficult
- i. prepare the line of questioning for each interviewee

Interviewing

- a. explain the complaint (subject to any duty of confidentiality) and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it
- b. conduct the interviews in a friendly, professional and relaxed a manner, while ensuring that due process is adhered to:
 - use open not leading questions;
 - do not express opinions in words or attitude
 - ask single not multiple questions, i.e. one question at a time
- c. try to separate hearsay evidence and opinion from fact by asking interviewees how they know a particular fact
- d. persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- e. deal with conflicting evidence by seeking corroborative evidence.
- f. at the end of the interview, summarise the main points and ask the interviewee if they have anything to add
- g. make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if they have anything to add, and to sign the record as accurate.

- h. keep the complainant informed of the progress of the investigation

The Investigation Report

The report should include:

- a. chronology
- b. list of interviewees
- c. the complaints set out in a numbered list
- d. your analysis and findings for each point of complaint
- e. a record of relevant policy, practice and legislation
- f. your recommendations and response to the complainant's desired outcomes
- g. any other relevant information
- h. a separate addendum for any other issues for the Academy/School

A copy of the draft report should be sent to the person who commissioned the investigation, who will advise as to how this will be released

Report Writing Guidance for Investigators

Note: It is absolutely essential that reports are written clearly and accurately. Careful attention needs to be paid to the use of language – especially the use of jargon or phrases/initials which only a few people would understand.

Structure of the Report

All reports should include the following elements:

The complaint	copy of the original complaint
The introduction	will describe the main features of the report and any relevant information with regard to the background of the investigation
The main body	will describe the main elements of the investigation sequentially. It will contain timescales of events with regard to the investigation being reported; list of interviewees; the complaints set out in a numbered list; factual evidence; references, quotations from key personnel; record of relevant policy, practice and legislation and any other relevant information.
The findings	your analysis and findings for each element of the complaint. They will be evidenced in the content of the main body of the report.
The recommendations	your recommendations and response to the complainants desired outcomes. Any other issues should be set out in a separate addendum

The acknowledgements	will be to demonstrate the contribution made by any other people in the compilation of the report.
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All reports are to be marked 'personal and confidential'

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Appendix E - Checklist for a Complaints Appeal Panel Hearing:

- 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 Head teacher (or CEO or investigating officer) may question both the complainant and the witnesses after each has spoken
- The Head teacher is then invited to explain the academy's actions and be followed by the academy's witnesses
- The complainant may question both the Head teacher 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 Head teacher 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