

**Complaints Policy**

MARINE ACADEMY PRIMARY POLICIES

VERSION CONTROL SHEET

**POLICY NAME: Complaints Policy**

**Policy Prepared by: Aaron Meredith**

Document date	Filename	Meeting submitted	Summary of changes required
18-04-13	MAP2 Complaints Policy	TBC	New policy

### Informal Complaints

- i) As part of their day-to-day management of the Academy, the Headteacher and staff should normally deal with specific complaints in an informal manner and resolve them quickly, sensitively and to the satisfaction of the complainant.
- ii) There may be more general matters causing a degree of unease in the community that may be best handled through discussion at a Governing Body meeting. Such matters should be put on an agenda, with the consent of the Chair of the Governors, and not raised under Any Other Business. Trustees will need to exercise some caution in dealing with such matters (see (ii)(f) and (g) below) but advice in individual cases can always be obtained.

### Formal Complaints

#### **i) Principles**

The guiding principles behind the Academy Complaints Policy are:

- 1 All complaints are dealt with promptly, effectively, objectively and professionally.
- 2 Complainants are kept informed of progress through each stage of the procedure.
- 3 The main aim at all stages is to secure either that the complaint is settled or that a decision is taken to proceed to the next stage of the procedure.
- 4 At each stage of the complaint, full written records are kept for the guidance of those who might need to consider the complaint at a subsequent stage. The complainant must put the complaint into writing before an investigation commences. Once the complaint is in writing that is what will be investigated.
- 5 Interviews with staff which are carried out as part of the formal complaints procedure must be conducted on the understanding that staff have the right, if they so wish, to be accompanied by a union representative or work colleague.

#### **ii) Procedure in Operation**

- (a) All complaints must be in writing and must be referred in the first instance to the Headteacher for investigation unless they concern the Headteacher directly, in which case they must be referred to the Chair of Governors.

- (b) When a member of the Governing Body receives or has a complaint, it must be referred to the Chair of Governors who would then refer the complaint to the Headteacher, or, if the complaint is about the Headteacher, to the Director of Operations who will work under the instruction of the Chair
- (c) If the Headteacher cannot investigate the complaint objectively, or the complainant is dissatisfied with the Headteacher's response, the Chair of the Governors must be informed so that the matter can be dealt with by the Board.
- (d) The Chair will arrange for the complaint to be investigated (see below), and will report back to the Headteacher and/or the Governors with recommendations for dealing with the complaint.
- (e) Where the complaints are initially made directly by parents and others to the LA, the Area Education Manager will refer the complainant back to the Academy unless the complaint is about the Headteacher when it will be referred directly to the Chair.
- (f) Governors must be cautious about their involvement with complaints in case they result in disciplinary or grievance proceedings; Governors who are members of hearings committees need to 'distance' themselves from complaints in order to demonstrate their impartiality at any subsequent hearing.
- (g) Complainants who remain dissatisfied following the investigations of the complaint by the Headteacher will be given the opportunity to put their complaint to a Committee of the Governing body.
- (h) Complainants will be encouraged to make use of the above procedure before referring the complaint to the Secretary of State and/or, in certain circumstances, to the Ombudsman and to a court of law.

### **iii) Investigating Complaints**

The Investigating Officer (usually the Headteacher) should follow the process recommended by the DfE, i.e.

- 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

necessary).

- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, always allowing them to be accompanied if they so wish.
- Conduct any interview with an open mind and be prepared to persist in the questioning.
- Keep notes of any interview for record.

#### iv) Resolving Complaints

At each stage in the procedure, efforts must be made 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 Academy policies in light of the complaint. It may also be the case however that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

#### v) Timescale

The Academy will make every effort to respond fully to a written complaint within 20 Academy days. Where this proves unrealistic, the Academy will inform the complainant in writing, and give some estimate of how long it will take to provide a detailed response.

#### vi) Role of the Governing Body

The Governing Body will only investigate Formal Complaints. These will be complaints:

- Which cannot be investigated objectively by the Headteacher;
- Where the complainant is dissatisfied with the Headteacher's response to a complaint;
- Which are about the Headteacher.

There will be two levels of Governor investigation. They will establish with the complainant precisely what resolution the complainant is seeking, and then determine the level of investigation.

### **Level One**

If the complainant wants a resolution as listed in iv) above, then the Investigating Officer will interview the Headteacher to ensure a thorough investigation is undertaken, and that an appropriate response has been made in accordance with the findings. If there is need for further discussions about the complaint, these will be conducted with the parent, the Headteacher and/or Chair as appropriate.

### **Level Two**

If the complainant is seeking:

- Action against a member of staff which would be considered under the terms of the Academy's personnel procedures.
- An admission of negligence, or anything that has serious potential for legal action.

Then the Investigating Officer will undertake a full reinvestigation of the complaint, including re-interviewing the complainant and witnesses.

### **In Summary**

- Complaints are best dealt with informally.
- Formal Complaints are in writing. The Headteacher should deal them with wherever possible.
- Individual Governors should refer Complainants, generally to the Headteacher and, exceptionally to the Chair.
- The Governors will investigate complaints that are not resolved by the Academy. There are 2 levels of Board investigation.
- Governors should 'distance themselves' from complaints in case they result in formal Academy Trust Board committee hearings at which Trustees

should be able to demonstrate their impartiality.

### **NOTES FOR COMPLAINANTS**

The Academy Complaints Procedure is divided into two parts.

**Informal**, where the Headteacher and staff will try to deal with specific complaints in an informal manner and resolve them quickly and sensitively at a local level. This is how most complaints are resolved.

**Formal**, where the complaint must be in writing and sent either to the Headteacher or to the Governing Body.

When you make a complaint under the procedure, you will be asked to put it into writing so that the Investigating Officer and all other parties are clear about the nature of your complaint.

Then:

- a) you will be told the name of the Investigating Officer
- b) the Investigating Officer will contact you
- c) the Investigating Officer will check that a fair and thorough investigation has been undertaken by the Academy
- d) the aim will be to complete the investigation within 20 Academy days
- e) a full response will be made to you in writing

In certain circumstances the Investigating Officer will carry out a full investigation including offering you an interview.

Complainants who remain dissatisfied after this investigation can take their case to a committee of the Governing Body, which they can attend to make representations on their own behalf. This committee of the Governing Body has the power to have 'the final say' on the matter.

If you have any questions about this procedure, please contact the Headteacher on 01752 213939.