



LAWN MANOR

ACADEMY

COMPLAINTS POLICY AND PROCEDURE

(September 2015)

Introduction

Lawn Manor Academy is committed to responding quickly and fairly to any concerns or complaints about the Academy and its facilities. The purpose of this policy is to enable all users and related parties to have issues they raise dealt with promptly and effectively.

The Academy believes that many issues raised are concerns rather than complaints. We are committed to taking all matters of concern seriously and dealing with them as soon as possible without the use of formal procedures. Where the matter relates to a student, complainants should try to resolve their complaint informally with the Academy. For parents/carers details of who to contact are contained in the Student Planner. If complainants are unsure who to contact they should email or phone the main administration office where staff can help direct enquiries. Before formal procedures come into effect, complainants must have made reasonable attempts to seek an informal solution in a calm, considered manner.

Occasionally it may not be possible to resolve an issue informally and in these cases the Academy has a formal complaints procedure, which is outlined below. The prime aim of the Academy's procedure is to resolve the complaint as fairly and quickly as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

Guidelines

The Academy will provide guidance on how matters of concern should be raised on an informal basis. Generally, it is expected that where the matter relates to a student and depending on what the concern is about, it will have been raised with the student's teacher, Subject Head and Director of Faculty (Curriculum concerns) or Form Tutor, Learning Mentor, Head of Year (Pastoral concerns); before a request is made to deal with it under this policy. Before formal procedures come into effect, the complainant must have made reasonable attempts to seek an informal solution in a measured way. The Headteacher or Chair of the Governing Board may, within reason, prevent a complaint from being pursued further until this has happened.

If there is an allegation or concern about physical or sexual misconduct towards a student, or there is a belief that a child may be at risk of serious harm, the Academy may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the Academy and outlined in this procedure. For more information on our provision for protecting our students please read our Safeguarding and Child Protection policy.

Formal procedures

Stage One - Raising a complaint

1. The complainant must put the complaint in writing, addressed to the Headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the Academy has not met reasonable expectations.
2. An investigation will be carried out by an appropriate member of the Senior Leadership Team who, depending on the nature of the concern, may designate the initial investigation to a member of the Learning Leadership Team or a Head of Year and information needed will be gathered. Then if necessary the relevant member(s) of staff with a member of the SLT will offer the complainant a meeting. Whenever reasonably possible, the meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant. Any complaint relating to the Headteacher must be raised in the first instance with the Chair of the Governing Board (or Vice-Chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as in the first stage of the formal process outlined above.

The second stage of the formal procedure (if required) will be as follows:-

Stage Two - Complaint heard by Headteacher

At this point, the complainant may be dissatisfied with the way the complaint was handled at an earlier stage as well as pursuing their initial complaint or it is felt that the matter is too serious to be dealt with at Stage One. The Headteacher will undertake a further investigation. They may delegate the task of collating the information to another staff member but the decision on the action to be taken will be made by the Headteacher. Following the investigation, the Academy will give a written response within five to ten working days.

*NB. In cases where the matter concerns the conduct of the Headteacher, both the Chair of the Governing Board and the Headteacher will be informed of the complaint and the Chair of the Governing Board will arrange for the matter to be further investigated. The Academy will normally give a response within five to ten working days.

Stage 3 – Complaint heard by Directors’ Complaints Panel

If the matter has still not been resolved at Stage Two, then the Academy will advise the complainant of the right to refer to the Governing Board who will establish a Complaints Panel of at least 3 people who have not been directly involved in the matters detailed in the complaint. Complainants should send their written complaint to the Chair of the Governing Board asking for the matter to be considered by the Directors’ Complaints Panel.

The Chair, or a nominated Director, will convene a Directors’ Complaints Panel consisting of at least three people. No members of the panel may have been directly involved in the matters detailed in the complaint. The panel will consist of two Directors and one person who is independent of the management and running of the Academy. The hearing will take place in private within fifteen

working days of the receipt of the written request for Stage 4 investigation. Parents will be allowed to attend the panel hearing and may be accompanied if they so wish.

The aim of the hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing within five working days of the date of the hearing. The letter will also contain details of any further rights of redress available.

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

Individual complaints must not be heard by the whole Board of Directors 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.

Remit of the Directors' Complaints 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 Director 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 Director 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, Directors need to try and ensure that it is a cross-section of the categories of Director and are sensitive to the issues of race, gender, gender orientation 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. Extra care needs to be taken when the complainant is a student. Careful consideration of the atmosphere and proceedings will ensure that the student does not feel intimidated. The Panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student'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 student needs to attend.
- d. Where the complainant is a parent they should be allowed to attend the panel hearing, and, if they wish, to be accompanied.

Directors' Complaints Panel Roles and Responsibilities

The Role of the Secretary to the Governing Board

The Secretary is the contact point for the complainant and 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 Board or the Nominated Director

The Nominated Director role:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Secretary 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;
- All parties will see any written material relating to the complaint. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it. All relevant documentation is kept confidential;
- Recommendations and finding should be recorded and distributed as appropriate.

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant, Chair of the Governing Board, and where relevant, the person complained about is notified of the panel's decision, findings and recommendations, in writing, within four weeks. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Relevant Legislation

This procedure has been established in line with the requirements of the Education (Independent School Standards) Regulations 2010. The relevant requirements are set out under section 7 of the regulations (http://www.legislation.gov.uk/uksi/2010/1997/pdfs/uksi_20101997_en.pdf)

Record Keeping

Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a more formal stage will be kept. All correspondence, statements and records of complaints are to be kept confidential (except where the Secretary of State or a body conducting an inspection under section 162 of the Education Act 2002 requests access to them).

Monitoring, Evaluation and Review

The Governing Board monitors the complaints policy, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the Academy and records how they were resolved. Directors examine this log on an annual basis and consider the need for any changes to the procedure. The policy will be promoted and implemented throughout the Academy.

Complaints to the Education Funding Agency

Complainants who wish to complain about how their complaint was handled can put their concerns to the Education Funding Agency (EFA). The EFA cannot review or overturn decisions made by the Directors' Complaints Panel but they can investigate whether the Academy considered the complaint appropriately. Further details can be found at

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

Alternatively you can write to the Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ.

The Complaints Policy should be read in conjunction with other relevant policies:

- Safeguarding and Child Protection

Policy adopted from Churchfields Academy on 1st September 2017

Policy revised by: Headteacher September 2015

Ratified by the Full Governing Board: December 2015